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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

31-11-005
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date: 11/5/11
Pat: 9-30-11
[Signature]

DEC 30 2010

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[Signature]

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 149-30 (COR) "AN ACT TO ADD A NEW CHAPTER 44 TO TITLE 10, GUAM CODE ANNOTATED; AN TO ADD A NEW §76220 TO CHAPTER 76, ARTICLE 2 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE IMPLEMENTATION OF THE GUAM BEVERAGE CONTAINER RECYCLING ACT", which I signed into law on December 30, 2010 as **Public Law 30-221**.

Sinseru yan Magâhet,

[Signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'lâhen Guahan
Governor of Guahan

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

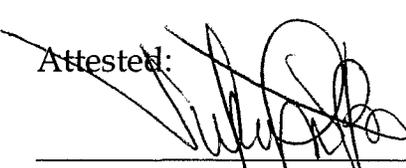
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 149-30 (COR), "AN ACT TO ADD A NEW CHAPTER 44 TO TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §76220 TO CHAPTER 76, ARTICLE 2 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE IMPLEMENTATION OF THE 'GUAM BEVERAGE CONTAINER RECYCLING ACT'," was on the 22nd day of December, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:

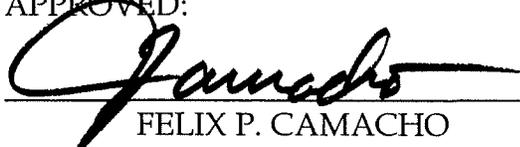


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this _____ day of _____, 2010, at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

12/30/2010

Public Law No. 30-221

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2009 (FIRST) Regular Session

Bill No. 149-30 (COR)

As substituted by the Committee on Rules, Natural Resources and Federal, Foreign & Micronesian Affairs, and amended on the Floor.

Introduced by:

T.R. Muña Barnes
F. B. Aguon, Jr.
Judith T. Won Pat, Ed.D.
F. F. Blas, Jr.
R. J. Respicio
J. V. Espaldon
V. Anthony Ada
Judith P. Guthertz, DPA
Adolpho B. Palacios, Sr.
T. C. Ada
E. J.B. Calvo
B. J.F. Cruz
v. c. pangelinan
Telo Taitague
Ray Tenorio

AN ACT TO *ADD* A NEW CHAPTER 44 TO TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW §76220 TO CHAPTER 76, ARTICLE 2 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE IMPLEMENTATION OF THE “GUAM BEVERAGE CONTAINER RECYCLING ACT”.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the growing importance of our planet’s environment has become evident at the
4 highest reaches of our country’s leadership, and it is among the top agenda items of
5 the Administration of President Barack Obama and Vice President Joseph Biden.

1 Their initiatives on clean energy, promoting the production of green products and
2 protecting our environment will help to transform the way we live and will make
3 the world a better place for future generations.

4 From ancient times up through the advent of the twentieth century, the
5 people of Guam depended primarily on our lush environment and bountiful ocean
6 to provide their sustenance and found ways to use nature for everything from
7 clothing, to canoes, to the homes in which they lived, and to the weapons with
8 which they fought. The environment was an important part of the lives of our
9 forefathers, and they treated it wisely.

10 Over the course of time, western civilization brought many people and
11 practices to our island and we have left many of the old ways behind. We have
12 become members of a disposable society, generating an enormous quantity of solid
13 waste, up to three (3) pounds per person per day, or about one hundred thousand
14 (100,000) tons of refuse per year. As our population and the number of our visitors
15 continues to increase, and as the military buildup promises to bring even more
16 people to our island, our volume of solid waste will rise as well, unless we take
17 appropriate action.

18 *I Liheslatura* finds that an environmentally and economically sound solid
19 waste management system must incorporate a number of different aspects, such as
20 recycling. Recycling is a means of helping to protect our environment by collecting
21 products that can be reused or remanufactured into other products, thus reducing
22 the volume of refuse that will either take up valuable space in our landfills or have
23 to be eliminated through other means.

24 *I Liheslatura* further finds that the implementation of laws that impose fees
25 or deposits on recyclable items will promote the concept and practice of recycling
26 empty beverage containers. Deposits on recyclable items will assist in preserving

1 our environment and reduce litter. A substantial amount of the litter left behind on
2 beaches and along our roadways consists of beverage containers.

3 A beverage container recycling deposit program implemented in a number of
4 communities across the nation is commonly referred to as a “bottle bill.” The first
5 bottle bill became law in the state of Vermont in 1953. It required that beer must be
6 sold only in refillable bottles so that empty bottles would not end up in the trash
7 but instead would be returned to the bottlers to be washed and refilled.

8 The first bottle bill to charge a refundable deposit on non-refillable
9 containers was enacted in 1971 in the state of Oregon. Their beverage container
10 recycling deposit program is so effective that they have a beverage container
11 recycling rate of greater than eighty percent (80%), more than double the rate of
12 areas without deposit programs. Current bottle bills impose fees or deposits on
13 beverage containers of all kinds, including glass, metal and plastic. Some areas
14 such as Connecticut even have deposits on cartons.

15 *I Liheslatura* further finds that eleven (11) states presently place refundable
16 deposits on recyclable beverage containers. They are: California, Connecticut,
17 Delaware, Hawaii, Iowa, Maine, Massachusetts, Michigan, New York, Oregon,
18 and Vermont. Seven (7) additional states are considering container deposit
19 programs at this time, including: Florida, Maryland, New Hampshire, New Jersey,
20 New Mexico, Tennessee and West Virginia. More than half of the population of
21 the United States live in areas in which container deposit programs are in effect.

22 Beverage container recycling deposit programs have also proven to be
23 effective in some areas within Micronesia. Both the Republic of Kiribati and
24 Kosrae in the Federated States of Micronesia have enacted container recycling
25 deposit programs, and the Republic of Palau has considered implementing such a
26 program.

1 Despite the presence of voluntary recycling programs, such as Guam’s
2 IRecycle, the locations that do not have bottle bills recycle less than forty percent
3 (40%) of their beverage containers, compared to the nearly eighty percent (80%)
4 recycling rate for bottle bill states. The eleven (11) bottle bill states recycle more
5 beverage containers than the other thirty-nine (39) non-bottle bill states combined.

6 Guam’s IRecycle program states on their website that over \$1.5 Million
7 Dollars could be generated for schools if they were to recycle the two million
8 (2,000,000) pounds of aluminum beverage cans that are sold in Guam. At thirty-
9 two (32) cans per pound, a recycling deposit program could earn schools \$2.56
10 Million Dollars for the same cans, and this would be in addition to the earnings
11 from the sale of the aluminum, or a possible \$4.06 Million Dollars. The voluntary
12 programs are making only a little more than a third of what they could be earning.
13 The deposit program proposed in this legislation is **IN ADDITION** to the funds
14 received from the sale of the aluminum. A beverage container deposit program
15 would bring an even greater benefit to our schools.

16 Although no comprehensive studies have been done in Guam, our island’s
17 beverage container recycling rate is likely comparable to the lowest recycling rates
18 in the fifty (50) states, which is below forty percent (40%). This is due in part to
19 misinformation and also in part because previous efforts to implement a beverage
20 container recycling deposit program have failed because military commands were
21 not ready to participate.

22 For example, several years ago a Judge Advocate General officer stated, in a
23 reply to a request concerning a bottle bill program, that the military cannot be
24 subject to “monetary schemes” without “a waiver of sovereign immunity.”
25 Fortunately for Guam, a large number of military personnel and dependents from
26 all branches of service are familiar with bottle bills and are willing to support and

1 cooperate with plans and programs to beautify our island and protect our
2 environment.

3 This negative position taken by military commands only serves to emphasize
4 that the armed forces commands do not always regard Guam or our people in the
5 same manner as they regard those who reside in the fifty (50) states, where
6 voluntary participation in local bottle bill programs is the standard. This lack of
7 cooperation with putting a beverage container recycling deposit program into place
8 has stymied all efforts in Guam because of the high number of beverages sold at
9 commissaries and exchanges that end up in the local community as solid waste and
10 litter.

11 Recent conversations concerning recycling with high ranking military
12 officials, including former Assistant Navy Secretary B.J. Penn; Executive Director
13 of the Joint Guam Program Office Major General David Bice (USMC Ret.); Rear
14 Admiral William D. French, Commander Naval Forces Marianas; and Brigadier
15 General Douglas Owens, Commander 36th Wing, have indicated their previous
16 position has changed and they are now motivated to work with the local
17 community to implement and voluntarily participate in a bottle bill program,
18 provided it is similar in concept and execution to the beverage container recycling
19 deposit program now in effect in the State of Hawaii.

20 It is therefore the intent of *I Liheslatura* to create the “Guam Beverage
21 Container Recycling Act,” under the direction of the Guam Environmental
22 Protection Agency (GEPA), to begin the process of implementing a container
23 recycling deposit program in Guam.

24 It is also the intent of *I Liheslatura* that the implementation of the “Guam
25 Beverage Container Recycling Act” constitute no additional expenditure of GEPA
26 funds with the exception of start up and implementation funds that *shall* be

1 reimbursed by the 1¢ (one cent) per container retained by GEPA and any escheat
2 accumulating due to non-return of containers on which deposits have been paid.

3 It is additionally the intent of *I Liheslatura* to provide the caveat that the
4 “Guam Beverage Container Recycling Act,” *shall not* be implemented unless and
5 until a memorandum of understanding or other agreement is executed by the
6 Government of Guam and Department of Defense representatives to assure the
7 people of Guam that the military commissaries and exchanges in Guam will
8 participate in Guam’s beverage container recycling program so that all retail
9 facilities in Guam’s civilian and military communities will be participants under
10 the guidelines of the “Guam Beverage Container Recycling Act.”

11 It is the additional intent of *I Liheslatura* to provide the “Guam Beverage
12 Container Recycling Act” with enough flexibility so that GEPA may amend the
13 rules from time to time depending upon technological advances, economic
14 conditions, waste stream characteristics, environmental effects, or other factors.

15 **Section 2.** A new Chapter 44 is *added* to Division 2, Title 10 Guam Code
16 Annotated to read:

17 **“CHAPTER 44**

18 **GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010**

- 19 **§44101. Short Title.**
20 **§44102. Statement of Policy.**
21 **§44103. Definitions.**
22 **§44104. Goals for Waste Stream Reduction.**
23 **§44105. Deposit Fee.**
24 **§44106. Deposit of Beverage Container Recycling Deposit**
25 **Fees.**
26 **§44107. Deposit Beverage Distributors; Registration,**
27 **Recordkeeping Requirements.**

- 1 **§44108. Beverage Container Recycling Deposit Fund.**
- 2 **§44109. Beverage Container Recycling Deposit Payout.**
- 3 **§44110. Audits.**
- 4 **§44111. Redemption Centers.**
- 5 **§44112. Acceptance of Containers.**
- 6 **§44113. Deposit Beverage Distributor to Collect and Remit**
- 7 **Container Deposits.**
- 8 **§44114. Redemption Centers' Claims for Reimbursement and**
- 9 **Reporting Requirements.**
- 10 **§44115. Deposit Beverage Container Requirements.**
- 11 **§44116. Responsibility of Dealers.**
- 12 **§44117. Reverse Vending Machine Requirements.**
- 13 **§44118. Rules to be Adopted.**
- 14 **§44119. Military Cooperation.**

15 **§44101. Short Title.** This Act *shall* be known as “The Guam
16 Beverage Container Recycling Act of 2010.”

17 **§44102. Statement of Policy.** Communities throughout the world,
18 including our island neighbors of Kiribati and Kosrae, in the mainland
19 United States, Canada, Australia and much of Europe have found that
20 recycling has been effective in reducing threats to our environment and in
21 reducing the enormous volume of solid waste produced by our modern
22 lifestyles.

23 Our island environment is precious, vulnerable, and irreplaceable. No
24 individual, public entity, or private corporation has the right to pollute our
25 air, water, or soil. The people of Guam have an ongoing responsibility to
26 conserve, preserve, and enhance our natural resources and island beauty, and

1 to guarantee their continued existence and enjoyment in the present and for
2 future generations.

3 Some of the waste filling our dump today and bound for our landfills
4 tomorrow may represent a potential resource, but without proper
5 management these wastes will continue to be hazards to our environment
6 and to life itself. The reduction of solid waste at its source and the recycling
7 of reusable waste materials will reduce the flow of waste to dumps and
8 landfills and increase the supply of reusable materials for use by the public.

9 The United States Government, our Armed Forces, numerous
10 businesses and many concerned citizens in Guam have already adopted
11 environmentally friendly policies and habits to encourage the purchase, use
12 and re-use of biodegradable, recyclable and recycled products. Many are
13 presently recycling those products for which recycling avenues are available
14 in Guam. It is therefore the policy of this agency of the Government of
15 Guam to establish a mechanism that will provide incentives to aid the entire
16 recycling process as it relates to those products for which additional uses
17 may be found, either in Guam or by sending them off-island, and to set
18 achievable goals for waste stream reduction in the coming years.

19 **§44103. Definitions.** As used in this Chapter:

20 (a) *Administrator* means the Administrator of the Guam
21 Environmental Protection Agency.

22 (b) *Auditor* means the Office of Public Accountability.

23 (c) *Beverage* means all beverages for human consumption.

24 For purposes of this Chapter the term beverage *shall not* include items
25 sold in a non-liquid, or frozen form or liquid intended for medicinal
26 purposes only.

1 (d) *Beverage container* means the individual, separate,
2 sealed glass, high density polyethylene, metal, plastic bottle, can, jar,
3 or carton, with a total volume of less than or equal to sixty-four (64)
4 fluid ounces, used for containing, at the time of sale to the consumer,
5 a beverage intended for use or consumption. Beverage containers may
6 be for single use or for multiple uses.

7 (e) *Board* means the Board of Directors of the Guam
8 Environmental Protection Agency.

9 (f) *Commercial passenger vessel* means any domestic or
10 foreign-flagged marine vessel or air carrier used primarily for
11 transporting persons to and from Guam and to and from other
12 destinations. The term *does not* include:

13 (1) marine vessels authorized to carry fewer than
14 twenty (20) passengers; or

15 (2) marine vessels for hire that do not provide
16 overnight accommodations for at least twenty (20) passengers,
17 and based on an average of two (2) persons per cabin.

18 (g) *Consumer* means a person who buys a beverage in a
19 deposit beverage container for use or consumption and pays the
20 deposit.

21 (h) *Dealer* means every person who engages in the sale of
22 deposit beverages in deposit beverage containers to a consumer for
23 use or consumption off the premises.

24 (i) *Department* means the Guam Environmental Protection
25 Agency.

26 (j) *Deposit beverage* means beer, ale, or other drink
27 produced by fermenting malt; mixed spirits; mixed wine, tea and

1 coffee drinks regardless of dairy-derived product content; soda, or
2 noncarbonated water; and all nonalcoholic drinks in liquid form and
3 intended for internal human consumption that is contained in a deposit
4 beverage container.

5 The term *deposit beverage* excludes the following:

6 (1) A liquid that is:

7 (A) a syrup;

8 (B) in a concentrated form; or

9 (C) typically added as a minor flavoring ingredient in
10 food or drink, such as extracts, cooking additives, sauces, or
11 condiments;

12 (2) A liquid which is a drug, medical food or infant formula
13 as defined by the Federal Food, Drug, and Cosmetic Act (21
14 U.S.C. §301 et seq.);

15 (3) A liquid which is designed and consumed only as a
16 dietary supplement and not as a beverage as defined in the
17 Dietary Supplement Health and Education Act of 1994 (P.L.
18 103-417);

19 (4) Products frozen at the time of sale to the consumer, or, in
20 the case of institutional users such as hospitals and nursing
21 homes, at the time of sale to the users;

22 (5) Products designed to be consumed in a frozen state;

23 (6) Instant drink powders;

24 (7) Seafood, meat, or vegetable broths, or soups, but not
25 juices; and

26 (8) Milk and all other dairy-derived products, except tea and
27 coffee drinks with trace amounts of these products.

1 (k) *Deposit beverage container* means the individual,
2 separate, sealed glass, polyethylene terephthalate, high density
3 polyethylene, or metal container less than or equal to sixty-eight (68)
4 fluid ounces, used for containing, at the time of sale to the consumer,
5 a deposit beverage intended for use or consumption in Guam.

6 (l) *Deposit Beverage Distributor* means a business, whether
7 licensed in Guam or not, that engages in the sale or distribution of any
8 and all deposit beverages, as defined in §44103 (j), in a deposit
9 beverage container, as defined in §44103 (k), to a dealer in Guam,
10 including any manufacturer who engages in such sales and imports
11 and sells such products to either or both consumers and retailers
12 located on either or both federal and private property. *Deposit*
13 *Beverage Distributor* also means a *Wholesaler*.

14 (m) *Deposit Fee* means the amount added to the listed price
15 of a product that the consumer must pay to the dealer or distributor as
16 a deposit for each individual beverage container that has been
17 identified by the Department as recyclable and requiring a deposit. An
18 amount equivalent to at least eighty percent (80%) of the deposit fee
19 *shall* be returned to the redeemer when the redeemer sells the
20 container to a redemption center. No taxes *shall* be assessed or
21 collected on deposit fees accepted by dealers for products approved in
22 this Chapter 44 for recycling purposes.

23 (n) *Escheat* means the deposit fee paid to a dealer or deposit
24 beverage distributor that remains unclaimed and becomes department
25 property.

1 (o) *Import* means to buy, bring, or accept delivery of deposit
2 beverage containers from an address, supplier, or any entity outside of
3 Guam.

4 (p) *Importer* means any person who buys, brings, or accepts
5 delivery of deposit beverage containers from outside of Guam for sale
6 or use within Guam.

7 (q) *List of Approved Containers* means the list compiled by
8 the Board of approved containers identified for recycling deposits.
9 Containers *may not* be placed upon the list unless a process to recycle,
10 reuse, convert to energy, or physically remove containers from Guam
11 has been established or will be established concurrent with placement
12 upon said list.

13 (r) *Manufacturer* means every person producing recyclable
14 products including those who package or fill recyclable products for
15 sale to distributors or dealers.

16 (s) *On-premises consumption* means to consume deposit
17 beverages by a consumer immediately and within the area under
18 control of the establishment, including bars, restaurants, commercial
19 passenger vessels, and airplanes.

20 (t) *Person* means an individual, corporation, company,
21 association, partnership, federal agency, or agency of the government
22 of Guam.

23 (u) *Recycling facility* means all contiguous land and
24 structures and other appurtenances, and improvements on the land
25 used for the collection, separation, recovery, and sale or reuse of
26 resources that would otherwise be disposed of as municipal solid
27 waste, and is an integral part of a manufacturing process aimed at

1 producing a marketable product made of post-consumer material
2 whether manufactured locally or produced off-island.

3 (v) *Redeemer* means a person, other than a dealer or
4 distributor, who demands at least eighty percent (80%) of the refund
5 value in exchange for an empty deposit beverage container.

6 (w) *Redemption center* means an operation that accepts
7 empty deposit beverage containers from redeemers and provides at
8 least eighty percent (80%) of the refund value for empty deposit
9 beverage containers intended to be recycled and ensures that the
10 empty deposit beverage containers are properly recycled.

11 (x) *Refillable beverage container* means any deposit
12 beverage container, which ordinarily would be returned to the
13 manufacturer to be refilled and resold.

14 (y) *Refund amount* means the amount of the deposit fee
15 refunded to a redeemer, which *shall* be at least eighty percent (80%)
16 of the total amount of deposit fee paid per container.

17 (z) *Reverse vending machine* means a mechanical device,
18 which accepts one (1) or more types of empty deposit beverage
19 containers, and issues coins or a redeemable credit slip with a value
20 *not less than* the container's refund value.

21 (aa) *Wholesaler* means a *Deposit Beverage Distributor*.

22 **§44104. Goals for Waste Stream Reduction.** The goal of this
23 Act is to reduce the amount of material in our waste stream by a minimum of
24 five percent (5%) each year from the date of implementation of the recycling
25 deposit fee, until a thirty-five percent (35%) reduction of material in our
26 waste stream has been achieved through the practice of waste volume
27 reduction at the source and through recycling.

1 **§44105. Deposit Fee.** A deposit fee of not less than five cents
2 (5¢) is hereby levied on each beverage container described in §44103(d) and
3 sold in Guam for off-premises consumption. Such fee *shall* be remitted to
4 the Department by deposit beverage distributors, licensed in Guam, which
5 distribute such beverage containers. The Board may adjust the deposit fee as
6 provided in §44106 of this Chapter 44 pursuant to the Administrative
7 Adjudication Law.

8 **(a) No taxes on deposit fees.** *No* taxes shall be assessed or
9 collected on deposit fees accepted by dealers for products approved in this
10 Chapter 44 for recycling purposes.

11 **§44106. Deposit of Beverage Container Recycling Deposit**
12 **Fees.**

13 **(a)** Deposit Beverage Distributors of beverage containers that meet
14 the conditions described in Subsection (b) of this §44106 *shall*, on a monthly
15 basis, remit an amount equal to the deposit fee described in §44105 of this
16 Chapter 44 multiplied by the number of containers that have been purchased
17 on which the deposit is applied, and for which payment has been received by
18 the wholesaler in the previous calendar month. Deposits *shall* be made in
19 the manner and on the forms prescribed by the Department.

20 **(b)** Types of containers upon which deposit fees *shall* be levied
21 must be first approved by the Board for placement upon a list of approved
22 containers identified for recycling deposits. Containers *may not* be placed
23 upon the list of approved containers identified for recycling unless a process
24 to recycle, reuse, or physically remove containers from Guam has been
25 established or will be established concurrent with placement upon said list.

26 **(c)** The Board *shall* from time to time examine and may elect to
27 increase either the deposit fee, as provided in §44105 of this Act, or the

1 percentage of the refund value returned to the redeemer, as provided in
2 §44109 of this Act, or both, pursuant to the Administrative Adjudication
3 Law.

4 (d) Levy of the deposit fee imposed upon beverage containers *shall*
5 begin six (6) months (180 calendar days) after the effective date of the
6 voluntary agreement described in Title 10 GCA Chapter 44 §44119, except
7 as may otherwise be provided in this act.

8 **§44107. Deposit Beverage Distributors; Registration,**
9 **Recordkeeping Requirements.**

10 (a) Six (6) months (180 calendar days) after the effective date of
11 the voluntary agreement described in Title 10 GCA Chapter 44 §44119,
12 Deposit Beverage Distributors operating in Guam *shall* register with the
13 Department, using forms prescribed by the Department, and *shall* notify the
14 Department of any change in address or other information previously
15 submitted. Any person who desires to conduct business in Guam as a
16 Deposit Beverage Distributor *shall* register with the Department *no later*
17 *than* one (1) month prior to the commencement of their business.

18 (b) All Deposit Beverage Distributors *shall* maintain records
19 reflecting the manufacture of their beverages in deposit beverage containers
20 as well as the importation and exportation of deposit beverage containers.
21 The records *shall* be made available, upon request, for inspection by the
22 Department; provided that any proprietary information obtained by the
23 Department *shall* be kept confidential and *shall not* be disclosed to any other
24 person, except:

- 25 (1) as may be reasonably required in an administrative or
26 judicial proceeding to enforce any provision of this
27 Chapter or any rule adopted pursuant to this Chapter; or

1 (2) under an order issued by a court or administrative agency
2 hearings officer.

3 **§44108. Beverage Container Recycling Deposit Fund.**

4 (a) There is within the government of Guam, and under the control
5 of the Department, a Beverage Container Recycling Deposit Fund, which is
6 hereby created, into which the proceeds from recycling deposit fees as
7 provided in §44105 of this Act are deposited, and in which all interest
8 earned by the Beverage Container Recycling Deposit Fund *shall* accrue.

9 (b) The Beverage Container Recycling Deposit Fund *shall* be
10 administered separate and apart from any other fund of the Government, and
11 *shall not* be subject to any transfer authority of *I Maga'lahi* or appropriation
12 by *I Liheslatura*, *except* as provided in this Chapter 44. Any unencumbered
13 funds remaining in the beverage container recycling fund at the end of each
14 fiscal year *shall* remain in that Fund and be expended *only* for the purposes
15 described in this Section.

16 (c) (1) Eighty percent (80%) of the funds remitted into the
17 Beverage Container Recycling Deposit Fund *shall* be used only for
18 reimbursements to Redemption Centers of amounts refunded to redeemers.

19 (2) Twenty percent (20%) of the funds remitted into the
20 Beverage Container Recycling Deposit Fund *shall* be used *only* for the
21 following purposes:

22 (i) expenses related to administering the provisions of
23 this Chapter 44;

24 (ii) funding of administrative, audit, and compliance
25 activities associated with collection and payment of the deposits
26 of the Beverage Container Recycling Deposit Act;

1 (iii) conducting of recycling education and
2 demonstration projects; and

3 (iv) promotion of recycling related activities.

4 **§44109. Beverage Container Recycling Deposit Payout.**

5 (a) For each empty beverage container approved for recycling
6 deposits under §44105, and brought to a redemption center, eighty percent
7 (80%) *shall* be returned to the redeemer for each empty beverage container.
8 Payouts to redeemers *shall* begin six (6) months (180 calendar days) after
9 the effective date of the voluntary agreement described in §44119 of this
10 Chapter.

11 (b) A person operating a redemption center may compact empty
12 metal beverage containers with the approval of the recycling facility
13 required to accept the containers.

14 **§44110. Audits.** The Office of Public Accountability *shall*
15 conduct a management and financial audit of the program beginning in
16 Fiscal Year 2012, and for each fiscal year thereafter ending in an even
17 number. The costs incurred by the Public Auditor for the audit *shall* be
18 reimbursed by the Beverage Container Recycling Deposit Fund. The Public
19 Auditor may contract the audit services of a third party to conduct the audit.

20 **§44111. Redemption Centers.**

21 (a) To facilitate the return of empty beverage containers, and
22 subject to the approval of the Department and appropriate business licensing,
23 any person may establish a Redemption Center at which consumers may
24 return empty beverage containers and receive payment of the refund value of
25 such beverage containers. Refunds may be based on number or weight of
26 deposit beverage containers.

1 (b) An application for approval of a Redemption Center *shall* be
2 filed with the Department. The application *shall* state the name and address
3 of the person responsible for the establishment and operation of the
4 Redemption Center, the kind of beverage containers that will be accepted at
5 the Redemption Center, and the names of the distributor or distributors that
6 will be handling and exporting their recyclables, if different from the name
7 of the operator of the Redemption Center. The application *shall* contain
8 such other information as the Administrator may reasonably require.

9 (c) The Department *shall* approve a Redemption Center if it finds
10 that the Redemption Center will provide a convenient service to consumers
11 for the return of empty beverage containers. The order of the Department
12 approving a Redemption Center *shall* state the kind of empty beverage
13 containers that the Redemption Center will accept pursuant to the
14 application of that Redemption Center. The order may contain such other
15 provisions to insure that the Redemption Center will provide a convenient
16 service to the public as the Administrator may determine. Applicants *shall*
17 be appropriately licensed to conduct business in Guam by the Department of
18 Revenue and Taxation.

19 (d) The Department may review the approval of any Redemption
20 Center at any time. After written notice to the person responsible for the
21 establishment and operation of the Redemption Center, the Department may,
22 after hearing, withdraw approval of a Redemption Center *if* the Department
23 finds there has *not* been compliance with the Department's order approving
24 the Redemption Center, or *if* the Redemption Center *no* longer provides a
25 convenient service to the public.

26 (e) All approved Redemption Centers *shall* meet applicable health
27 standards and *shall* be maintained in full compliance with applicable laws

1 and with the orders and rules of the Department, including permitting
2 requirements.

3 (f) Redemption Centers *shall*:

4 (1) accept deposit beverage containers for which a deposit
5 has been paid pursuant to §44105;

6 (2) pay to the redeemer the full refund value in cash for all
7 deposit beverage containers;

8 (3) remain open *at least* thirty (30) hours per week, of which
9 *at least* five(5) hours *shall* be on Saturday or Sunday; and

10 (4) forward the documentation necessary to support claims
11 for reimbursement as stated in § 44114 of this Chapter.

12 (g) The Department *shall* prepare printed material to be posted at
13 dealer locations in conspicuous areas identifying the location of approved
14 Redemption Centers and specifying what type of recyclable materials may
15 be deposited at each Center.

16 (h) All Redemption Centers *shall* submit to the Department the
17 following information on forms and on dates prescribed by the Department,
18 which information *shall* include at a minimum:

19 (1) the number or weight of deposit beverage containers of
20 each material type accepted at the redemption center for the reporting
21 period; and

22 (2) the amount of refunds paid out by material type.

23 **§44112. Acceptance of Containers.** A Redemption Center *shall*
24 *not* refuse to accept from a consumer any empty beverage container
25 described in §44103 (d), or refuse to pay to the consumer the refund value of
26 a beverage container as provided in §44109, *except* for the following
27 reasons:

1 (a) the deposit beverage container is broken, corroded, or
2 dismembered;

3 (b) the deposit beverage container contains a free-flowing
4 liquid;

5 (c) The deposit beverage container holds a significant
6 amount of foreign material; or

7 (d) the deposit beverage container appears to have been
8 previously processed and baled.

9 **§44113. Deposit Beverage Distributor to Collect and Remit**
10 **Container Deposits.** Deposit Beverage Distributors licensed in Guam that
11 meet the conditions described in Subsections (a) through (c) below *shall*, on
12 a monthly basis, remit an amount for deposits for such beverage containers
13 as described pursuant to this Chapter equal to the amount of the deposit as
14 described in §44105 of this Chapter, in the manner and on the forms
15 developed by the Department, payable to the Beverage Container Recycling
16 Deposit Fund, and subject to the requirements of the Department.

17 (a) Condition 1: The Deposit Beverage Distributor
18 licensed in Guam distributes beverages that may include any
19 and all alcoholic and non-alcoholic beverages, juices, flavored
20 drinks, milk, coffee, tea and water;

21 (b) Condition 2: Any of the beverages distributed are
22 in containers that have been identified by the Guam
23 Environmental Protection Agency as that which can be recycled
24 pursuant to §44112 of this Chapter; and

25 (c) Condition 3: The business is a distributor in Guam
26 of any such beverage product for sale to customers by retailers

1 located on both federal and private property to both military and
2 local retailers.

3 **§44114. Redemption Centers' Claims for Reimbursement and**
4 **Reporting Requirements.**

5 (a) Claims for reimbursements of refund amounts paid out by
6 Redemption Centers *shall* be made by Redemption Centers in the manner,
7 on the forms, and in the frequency specified by the Department.

8 (b) The Department *shall* pay certified redemption centers refund
9 values as described in §44109 of this Chapter, based on collection reports
10 submitted by the Redemption Centers. All redemption centers *shall* submit
11 to the Department the following information on form prescribed by the
12 Department, which information *shall* include at a minimum:

13 (1) the number or weight of deposit beverage containers of
14 each material type accepted at the Redemption Center for the
15 reporting period;

16 (2) the amount of refunds paid out by material type; and

17 (3) the number or weight of deposit beverage containers of
18 each material type to be transported to a permitted recycling facility.

19 **§44115. Deposit Beverage Container Requirements.**

20 (a) *Except* as provided in (b) and (c) of this §44115, effective on
21 September 1, 2011, every deposit beverage container sold in Guam *shall*
22 clearly indicate the refund value of the container and the word "Guam" or
23 the letters "GU." The names or letters representing the names of other states
24 or jurisdictions with comparable deposit legislation may also be included in
25 the indication of refund value. The refund value on every deposit beverage
26 container *shall* be clearly, prominently, and indelibly marked by printing,

1 scratch embossing, raised letter embossing, and *shall* be affixed on the top or
2 side of the container in letters *at least* one-eighth (1/8) inch in size.

3 (b) Subsection (a) of this §44115 *shall not* apply to any type of
4 refillable glass deposit beverage container that has a brand name
5 permanently marked on it and that has the equivalent of a refund value of at
6 least five (5) cents, which is paid upon receipt of the container by a dealer or
7 deposit beverage distributor.

8 (c) Containers that do *not* meet the definition of a deposit beverage
9 container, as specified in §44103(k) of this Chapter, *shall not* indicate
10 “Guam” or “GU” on the container.

11 **§44116. Responsibility of Dealers.** Dealers who are *not*
12 Redemption Centers *shall* post a clear and conspicuous sign at the primary
13 public entrance of the dealer’s place of business that specifies the name,
14 address, and hours of operation of the closest Recycling Redemption Center
15 location(s).

16 Businesses that sell deposit beverages for on-premises consumption,
17 such as hotels, bars, and restaurants, *shall* collect used deposit beverage
18 containers from the patron and either use a certified Redemption Center for
19 the collection of containers or become a Recycling Redemption Center.

20 **§44117. Reverse Vending Machine Requirements.** Reverse
21 vending machines may be used by Recycling Redemption Centers to satisfy
22 the requirements of this Chapter, provided that the reverse vending machine
23 *shall* accept one (1) *or* more types of empty deposit beverage containers and
24 *shall* pay out appropriate refunds as coins, or via a redeemable credit slip
25 with a value *not less than* the refund value of the container or containers
26 being redeemed. Reverse vending machines *shall* be routinely serviced to

1 ensure proper operation and continuous acceptance of empty deposit
2 beverage containers and payment of the refund value.

3 **§44118. Rules to be Adopted.**

4 (a) The Board *shall* convene an advisory committee to assist in the
5 development of all rules needed to implement this Chapter. Members of the
6 committee *shall* assess the impact on consumers, recyclers, the military, and
7 the beverage industry. Members of the committee *shall* be appointed by the
8 Administrator and *shall* serve at the Administrator's pleasure. A simple
9 majority of the committee members *shall* constitute a quorum for the
10 purposes of recommending rules, and providing input to the Board.

11 (b) The Board may adopt rules pursuant to this Chapter, as may be
12 necessary to carry out its provisions. Amendments to such rules may be
13 considered and adopted from time to time to replace or supplement such
14 rules as may be in existence, to include:

15 (1) identifying items to be recycled in addition to beverage
16 containers;

17 (2) establishing or revising appropriate deposit fees and
18 refund values;

19 (3) regulating Redemption Centers and the redemption
20 process for recyclable items; and

21 (4) establishing and revising appropriate forms and
22 procedures to reimburse Redemption Centers applying for
23 refund amounts.

24 (c) The Board *shall* consider the merging or transfer of the
25 functions described in this Chapter with the functions of an autonomous
26 entity created to manage all solid waste concerns within Guam.

1 **§44119. Military Cooperation.** The provisions of this Chapter
2 relative to beverage container recycling deposit fees *shall not* be
3 implemented, and deposits as defined in this Chapter, *shall not* be assessed
4 or collected on beverage containers, until the Government of Guam and the
5 U.S. Navy and U.S. Air Force commands in Guam *shall* have established a
6 voluntary agreement in writing that provides for such deposit fees to be
7 assessed and collected throughout Guam, including all locations both on and
8 off federal property, in the manner described in such voluntary agreement.
9 Assessment and collection of deposit fees on beverage containers *shall*
10 continue only for the period of time that such voluntary agreement is in
11 effect.”

12 **Section 3.** A new §76220 is *added* to Chapter 76 Article 2 of Title 11,
13 Guam Code Annotated, to read:

14 **“§76220. Recycling Redemption Center Endorsements.** An
15 endorsement for a Recycling Redemption Center must be obtained by any
16 person who engages in the business of receiving recyclable products and
17 remitting a portion of deposit fees to redeemers. Such required endorsement
18 is subject to approval by the Guam Environmental Protection Agency,
19 pursuant to Chapter 44 of Title 10 Guam Code Annotated.”

20 **Section 4. Effective Date.** The provisions of this Act *shall* take effect six
21 (6) months (180 calendar days) after the effective date of the voluntary agreement
22 described in Title 10 GCA Chapter 44 §44119 (Military Cooperation).

23 **Section 5. Severability.** *If* any provision of this Law or its application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity *shall not* affect other provisions or applications of this Law which can be
26 given effect without the invalid provisions or application, and to this end the
27 provisions of this Law are severable.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 12/22/10

VOTING SHEET

SBill No. 149-30(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C. //	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.					EA
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo /	✓				
TENORIO, Ray //	✓				
WON PAT, Judith T.	✓				

TOTAL 14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina' Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

November 24, 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

2010 NOV 24 PM 4:47
[Signature]

RE: Committee Report on Substitute Bill No. 149 (COR)

Hafa Adai Speaker Won Pat:

The Committee on Rules, Natural Resources, and Federal, Foreign & Micronesia Affairs hereby reports out its findings and recommendations on **Substitute Bill No. 149 (COR) –T.R. Muna Barnes – “An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the “Guam Beverage Container Recycling Deposit Act” and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”** Committee votes are as follows:

- 7 TO PASS
- 0 NOT TO PASS
- 3 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Very Truly Yours,

[Signature]
Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRMAN
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

Committee Report on
Bill No. 149 (COR) As Substituted
(Sponsor: T.R. Muña Barnes)

"An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the "Guam Beverage Container Recycling Deposit Act" and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act."

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRMAN
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS

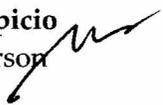


I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

November 24, 2010

MEMORANDUM

To: All Members
Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian Affairs

From: Senator Rory J. Respicio
Committee Chairperson 

Subject: Committee Report – Bill No. 149 (COR) As Substituted

Hafa Adai! Transmitted herewith for your review and consideration is the Committee Report on **Substitute Bill No. 149 (COR) –T.R. Muna Barnes – “An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the “Guam Beverage Container Recycling Deposit Act” and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”** This report includes the following supporting documents:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 149 (COR)
- Copy of Bill No. 149 (COR) As Substituted
- Public Hearing Sign-in Sheet
- Copies of Written Testimony on Bill No. 149 (COR)
- Referral of Bill No. 149 (COR)
- Fiscal Note for Bill No. 149 (COR)
- Public Hearing Notices
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me. *Si Yu'os Ma'åse!*

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRMAN, COMMITTEE ON RULES

CHAIRMAN, COMMITTEE ON NATURAL RESOURCES
& FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I MINA' TRENTA NA LIHESLATURAN GUÅHAN
THIRTIETH GUAM LEGISLATURE

COMMITTEE VOTING SHEET

Substitute Bill No. 149-30 (COR) – T.R. Muña Barnes – “An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the “Guam Beverage Container Recycling Deposit Act” and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
SENATOR RORY J. RESPICIO Chairperson		 11/24/10				
SENATOR JUDITH P. GUTHERTZ Vice-Chairperson		 11/24/10				
SPEAKER JUDITH T. WON PAT, Ed.D. Member		 11/24/10				
VICE-SPEAKER BENJAMIN J.F. CRUZ Member		 11/24/10				
LEGISLATIVE SECRETARY TINA ROSE MUÑA BARNES Member		 11/24/10				
SENATOR THOMAS C. ADA Member		 11/24/10		✓		
SENATOR FRANK B. AGUON, JR. Member						
SENATOR ADOLPHO B. PALACIOS Member		 11/24/10				
SENATOR VICENTE C. PANGELINAN Member		 11/24/10				
SENATOR FRANK F. BLAS, JR. Minority Member				✓		
SENATOR JAMES V. ESPALDON Minority Member				✓		

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

Substitute Bill No. 149 (COR) – T.R. Muña Barnes; F.B. Aguon, Jr. – “An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the ‘Guam Beverage Container Recycling Deposit Act’ and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”

I. OVERVIEW

A public hearing was conducted by the Committee on Rules, Natural Resources and Federal, Foreign & Micronesia Affairs on the above titled subject on Monday, July 19, 2010 at 9:00 a.m. at the public hearing room of *I Liheslaturan Guåhan*, 155 Hesler Place, Hagåtña, Guam. Present at the hearing were the following: Chairperson Rory J. Respicio, Main Sponsor Senator Tina Rose Muña Barnes, Senator Tom Ada, Senator Judith P. Guthertz, and Senator Telo T. Taitague.

PUBLIC NOTICE ANNOUNCEMENTS:

Notices of this hearing were sent via fax and e-mail to all media and all Senators on July 12th and July 15th thereby meeting the requirements of the Open Government Law. Notices were also sent to various government agencies and private entities affected by the various bills being addressed.

BILL NO. 149-30 (COR) IN BRIEF:

Bill No. 149-30 (COR) was introduced on June 12, 2009. The Bill adds a new Chapter 44 to Title 10 the Guam Code Annotated, to implement a beverage



container recycling program, more commonly known as a “bottle bill,” to be administered by the Guam Environmental Protection Agency. The bill also establishes a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and requires the confirmation of the voluntary cooperation of military commands with the Program before the program can go into effect. Bill 149 also adds a new §76220 to Chapter 76, Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and establishes effective dates of the sections in this Act.

Senator Respicio called the hearing to order at at 9:16 a.m. and recessed at 9:17 a.m. for an unrelated peaceful protest. The hearing was reconvened at 9:35 a.m. following the protest.

Senator Respicio asked the author of Bill No. 149-30 (COR), Senator Tina Rose Muña Barnes, to discuss her bill. Senator Muña Barnes said that the purpose of the bill is to benefit our environment and help clean up our island. She said that that jurisdictions with bottle bills have a far greater recycling rate than jurisdictions that do not. She gave a brief history of bottle bill legislation in Guam and a description of how a bottle bill works. She noted that the landfill was no longer accepting recyclable material, but Guam doesn't have mandated programs to remove recyclables from the waste stream. Consequently, the island is still littered with recyclables.

Sen. Muña Barnes said that the bill defines recycling associated terms and sets up mechanisms for a recycling program and defines goals for Guam's waste stream. Under the bottle bill program, consumers will be assessed a deposit of a few cents for each specified beverage container purchased at Guam retail outlets. The deposits will be placed in the Beverage Container Recycling Deposit Fund. A portion of the deposit will go toward assisting recyclers and GEPA with the administration and handling of the program. The remainder of the deposit will be paid to consumers when they turn in eligible beverage containers to recycling redemption centers.



II. SUMMARY OF TESTIMONY & DISCUSSION

A number of individuals signed in to present testimony:

Pat Nichols, Recycling Association of Guam (RAG), spoke in support of the legislation and its positive environmental implications, saying that implementation of a bottle bill would mean a significant reduction of litter and also noting that although the process is not convenient, it is time for more people to participate actively in recycling.

Cathleen Moore-Linn, representing the UOG Green Army, also spoke in support of the legislation. The UOG Green Army promotes education and activism, participates in numerous events, and sorts trash to extract the recyclables. She said that Bill No. 149 would help with cleaning up the appearance of Guam's unsightly environment, and help celebrate our culture and island. She said the bottle bill was "past due, and I support it whole heartedly." She said that currently the UOG Green Army promotes recycling to community and their members dig through trash to separate plastics and recyclables. A bottle bill will encourage the community to change behavior and start to follow recycling programs.

Deputy Guam Environmental Protection Agency Administrator Brad Dunagan said that GEPA supports the legislation because it will assist in reducing the impact of litter by providing an alternate means of disposing recyclable beverage containers by diverting them from our dump and landfill, and the recycled containers will create a beneficial impact and economic opportunities. Dunagan said that Guam EPA has been the front runner for recycling by implementing and supporting recycling programs within the Government of Guam.

Louise Toves, a staffer for the UOG Green Army, said that the community is ready and waiting, looking for opportunities and means to recycle. She noted that members of the community bring recyclable goods to UOG, looking at the school as one of the only means to recycle in Guam. She said that recyclable goods go to iRecycle. Ms Toves said she was concerned with



the “Great Pacific Garbage Patch” (a trail of plastic and debris spanning from Japan to California).

Marlene Vergara, also with the UOG Green Army, expressed support for the legislation as well, and said she believed that by providing incentives, it will motivate the people to recycle. She said that beautification is a lifetime project, and that because the people of Guam are so culturally hospitable, “we too should be hospitable to our land.”

Senator Tom Ada asked Deputy Administrator Dunagan how the redemption would work and would people be stockpiling cans because even after it becomes law, the program will not be in effect for a year. He expressed concerns about the implementation dates specified in the bill. Senator Ada also suggested that a Guam Solid Waste Authority would be the more appropriate entity to coordinate these functions than EPA, which is primarily a regulatory and enforcement entity.

Pete Cruz of GEPA said he was in support of the bill, and that a lot of the provisions would be overseen by Guam EPA but he thought some should fall under a solid waste program. He said that in the past Guam didn’t have leverage with the military, but because they will be using Guam’s public landfill Guam will have leverage.

Senator Respicio was concerned with the time frames and said that for up to a year people could be collecting these beverage containers but the redemption doesn’t actually occur until a year after the law is in place. He asked: “Certainly we have a situation where people are going to be collecting these cans and they would be stockpiling it. How have you envisioned mitigating that? That disparity? Have you had those kinds of discussions?”

Mr. Dunagan said: “Honestly, that’s the kind of things we were taking into consideration about this bottle bill and how it’s going to impact our current situation and we like the idea. We’re all for it.”



Senator Respicio noted that this concept is not new. He asked: “Have you had any discussions with issues in how to go from these beverage containers that have no deposits attached to them and then 24 months later there’s going to be this great program where people can have four cents redeemed for each can?”

Mr. Dunagan responded to Senator Respicio’s question about how it could be addressed by stating that “We may be able to address this possibly through local business, or industry and opportunity to maybe volunteer the letting of the warehouse space to employ as a stockpiling area. The other issue that comes into play in this is the potential vector issues in regards to rodents and insects that may also utilize these resources, most of them being maybe sugar-laden as a place to also build nesting areas. But as a whole, I think just the implementation of such a bill would have a positive impact. People would probably already start looking at the resources even around residential areas as potential revenue sources and start collecting those.”

Senator Respicio asked how much time would it take from passage of this bill and if signed into law, how much time would it take before someone would actually going to get this redemption value?

Senator Ada said: “I think section 44115 spells out the requirements for a deposit beverage container, that it must have stamped on it: the refund value and that it must have stamped ‘Guam.’ So, obviously I imagine the importers, it’s going to take them time to order beverages that would have these markings on it. If it doesn’t show a refund value, or the word ‘Guam’ then the entity that’s receiving these things is not required to pay out.”

Natural Resources committee staff presented to Senators several empty aluminum and glass beverage containers that had been marked for container recycling across the United States.

Stamped into the top of the aluminum soft drink can was the following information:



“CT HI IA OR MA ME NY VT 5¢” and “CA CRV (U)” and “MI 10¢,” identifying each jurisdiction using the two letter U.S. Postal Service code: (CT: Connecticut, HI: Hawaii, IA: Iowa, OR: Oregon, MA: Massachusetts, ME: Maine, NY: New York, VT: Vermont, CA: California and MI: Michigan), and including the amount of the deposit per container based on the individual recycling programs.

Printed on the label of a beer bottle was the following information: “CT•DE•HI•IA•ME•MA•NY•OR•VT 5¢ •MI 10¢,” and “CA CASH REFUND,” identifying each jurisdiction and the amount of the deposit for each container based on individual recycling programs.

Senator Taitague said that there could be some kind of public/private partnership, such as what is already in place with iRecycle, that could be enhanced. She said that this would need to be done right for the community and that the transition period is for building that change in behavior, which is basically what the UOG Green Army is all about, reaching out to the elementary schools.

She said that one of the comments from the parents and grandparents after the outreach to the summer camps was, “Oh my grandkids are going to be bugging me about the trash now.” She said that is what our community needs, and during that transition period, there could be a working group and some sort of educational outreach, or public relations.

Gerry Cruz of Guam EPA said that Guam has recycling centers now and we just need to sustain in the meantime; support iRecycle, the UOG Green Army, and change the mindset of the people while the logistics are being worked out.

Senator Taitague asked where the recyclables go. Moore-Linn said the aluminum goes to iRecycle; plastic goes to Pyramid Recycling. Senator Taitague asked if UOG received a grant to help with this program, Moore-Linn said UOG received a DOI technical-assistance grant to help launch the UOG Green initiative, a one year grant, extended because it wasn't all



spent in the time frame so the money received was then used on outreach, education campaigns and for paid interns.

Senator Guthertz said that the military never provides testimony on bills. She said that the containers don't need to be marked, just take any containers brought into Guam, the same thing as before with recycling glass bottles. She said that Guam EPA, as a regulatory agency, has the responsibility to enforce this once it becomes law.

Pat Nichols commented on marking the containers, saying that we absolutely have to have the mark on the can to help clarify the starting point.

Pete Cruz of GEPA said that seed money would be necessary to get this off the ground.

Senator Respicio recounted that the 27th Legislature proposed "Advance Disposal Fees" in the ISWMP (integrated solid waste management plan) and Guam EPA was ready to move forward with this, but the automobile industry came out strongly against it because the fee that would be tacked on to new vehicles would have been exorbitant, so we have had bumps along the way, but we're going to stay on track until we figure something out.

Senator Respicio wrapped up the discussion by thanking Senator Muña Barnes for requiring military participation, and said that this program needed to be worked into the Solid Waste Management Plan that Senator Tom Ada is working on, as well as issues related to the Recycling Revolving Fund.

There being no additional testimony presented, Chairperson Respicio declared that Bill No. 149-30 (COR) had been publicly heard and that written and electronic testimony would be accepted for ten working days following the hearing.



Copies of written testimonies submitted on Bill 149 are attached to this report and include the following:

- **Jared Blumenfeld**, Regional Administrator of USEPA, wrote in support, stating that bottle bills can play a significant role in increasing community recycling rates and reducing the impacts of litter.
- **Admiral P.J. Bushong** submitted a short statement stating that he would not comment on Bill 149 itself, but gave his “commitment to work toward the military’s meaningful participation in the program.”
- **Bradley Dunagen**, Guam EPA Acting Administrator, submitted written testimony to support his oral statements.
- **The Guam Chamber of Commerce** expressed their long-standing opposition to any beverage container deposit program, just as similar business organizations across the nation oppose the program. The Chamber supports voluntary programs such as I-Recycle.
- **Susan V. Collins**, Executive Director of the Container Recycling Institute (CRI), Culver City, CA, wrote on behalf of her organization in full support of Bill 149. She stated in her letter that container deposit programs achieve the highest recycling rates for beverage containers; deposit laws reduce litter and create green jobs; and recycling saves energy and reduces greenhouse gas emissions.
- **Helen J.D. Whippy, Ph.D.**, Sr. Vice President of Academic and Student Affairs at UOG wrote in behalf of the administration, faculty, students and staff of UOG to express support of Bill No. 149.
- **Dr. Karon Johnson**, who was off-island at the time of the hearing, submitted an e-mail message of support for the bill.



- **Bert Unpingco** wrote in support, stating that over 40 states and territories support such legislation, and that litter has prevented Guam from becoming a world class tourist destination. As a GVB board member he said he as encouraged the Bureau to also support the bill.

- **Berrie Straatman** wrote that he fully supported Bill No. 149, stating that “a refundable deposit on all beverage containers makes perfect sense given the island’s long standing trash crisis. He noted that the I-Recycle program, although a good start, had done little to reduce the trash flow. Using I-Recycle figures, Mr. Straatman calculated that there is only a 4.5% return rate for aluminum cans.

- **Vicki Gayer** submitted testimony in favor of Bill No. 149. Ms Gayer’s suggestions included having a third party verify the actual number of beverage containers brought into Guam, specifying the location for redemption centers be at the Mayors offices so it will be convenient for consumers, and suggested the use of tokens rather than cash. The tokens could then be redeemed or used as cash.

- **Linda Tatreau**, a marine biology teacher at GWHS, wrote that she would be off-island but submitted data on International Coastal Cleanups from 2002-2009 showing the number of plastic, glass and aluminum cans recovered.

The figures are:

	sites	plastic	glass	cans
2009	16	8,110	8,751	21,358
2008	16	7,225	9,170	15,547
2007	16	8,505	9,765	17,944
2006	15	6,398	7,697	19,723
2005	11	2,914	3,107	9,345
2004	13	3,989	4,960	10,967
2003	10	3,764	3,646	8,598

- **James Stith (Santa Rita)** sent an e-mail in support of Bill 149.



- **Lorraine T. Frohman** submitted her written testimony via e-mail. She decried the common practice of people who leave their trash behind wherever they go, and wrote that a deposit on beverage containers would be a incentive for people to not throw them out. She wrote that we have more trash than we can deal with and hopes that Bill 149 will pass.
- **Will Calori (Mangilao)** e-mailed that he would not be able to attend the hearing but wanted to express his support of the bottle bill and said that he has seen it work in Hawaii.
- **Maria Kottermair** e-mailed from Germany that as long as she can remember they have had a bottle bill there and it works. She said it would benefit the island greatly.
- **Chris Green (Chalan Pago)** wrote that this is a long time in coming and we should do everything we can to encourage recycling.
- **Diana Valdez Green (Chalan Pago)** wrote in full support of Bill No. 149.
- **Marilyn Vander Weide (Michigan)** wrote in support. She is a retired teacher who lives in Michigan, where the deposit amount is 10¢. She said she knows of several people who financed trips to Europe from the deposits they received from picking up cans in parks or along roadsides.
- **Roger Church (Tamuning)** wrote in support. As a science teacher, he favors such a bill to reduce litter and increase recycling.
- **Christine Pascus (Yigo)** wrote in support of Bill No. 149, and asked that the deposit be increased to 10¢.
- **Rober Shambach (Yigo)** wrote in support of bottle bills. He agreed that Guam's trash situation is growing worse and the bottle bill is needed. He



supports a 10¢ deposit and included several documents favoring a deposit higher than 5¢.

III. FINDINGS & RECOMMENDATIONS

Several changes were requested for the legislation, specifically in regards to the overly long lengths of time allotted before the program goes into effect. The Committee on Rules, Natural Resources and Federal, Foreign & Micronesian Affairs made the following amendments to Bill No. 149-30 (COR):

Section 2, § 44103:

(l): Definition of “Deposit Beverage Distributor” amended to cover distributors not licensed in Guam which sell to businesses both on and off Guam’s bases.

(y): Definition amended to make “refund amount” consistent with items (v), redeemer,” and (w), “redemption center.”

Section 2, § 44104:

Changes dates to conform with implementation of recycling deposit fee and 35% reduction in waste stream.

Section 2, § 44105:

Allows board to adjust deposit fee amounts.

Adds subitem (a) relative to taxes on deposits, repeating language in § 44103 (m).

Section 2, § 44106:

Renumbers items (d) and (e) properly to (c) and (d) respectively.

Changes the date for implementation of the deposit fee from “July 1, 2010” to “six (6) months (180 calendar days) after the effective date of the voluntary agreement” that guarantees military cooperation.



Section 2, § 44107:

Changes the deadline for beginning registration of existing Deposit Beverage Distributors from “July 1, 2010” to “six (6) months (180 calendar days) after the effective date of the voluntary agreement” that guarantees military cooperation.

Section 2, § 44109:

Removes the unnecessary text “or four cents (4¢)” to prevent future problems if the Department changes the amount of deposit. Payouts are to begin “six (6) months (180 calendar days) after the effective date of the voluntary agreement” that guarantees military cooperation.

Renumbers item (e) to (b).

Section 2, § 44110:

Changes the fiscal year for the Office of Public Auditor to begin the biennial management and financial audits from FY2011 to FY2012.

Section 2, § 44113:

Changes reference to cite entire § 44105.

Section 2, § 44115:

Corrects reference from “§ 44103 (c)” to “§ 44103 (d).”

Section 2, § 44118:

Adds a new item (c) to allow the board to “consider the merging or transfer of the functions described in this Chapter 44 with the functions of an autonomous entity created to manage all solid waste concerns within Guam.”

Section 4, Effective Dates:

Changes the date for various provisions to take effect from “12 months after the effective date from of the voluntary agreement” that guarantees military cooperation, to “six months (180 calendar days).”



DISPOSITION: The Committee on Rules, Natural Resources and Federal, Foreign & Micronesian Affairs hereby reports out Substitute Bill No. 149-30 (COR), as substituted by the Committee on Rules, Natural Resources and Federal, Foreign & Micronesian Affairs, with the recommendation to do pass.

###

MINA' TRENTA NA LIHESLATURAN GUAHAN
2009 (FIRST) Regular Session

Bill No. 149-30 (COR)

As substituted by the Committee on Rules, Natural Resources and Federal, Foreign & Micronesian Affairs

Introduced by:

Tina Rose Muña Barnes
Frank B. Aguon, Jr.

AN ACT TO ADD A NEW CHAPTER 44 TO TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE "GUAM BEVERAGE CONTAINER RECYCLING DEPOSIT ACT" AND TO ESTABLISH A BEVERAGE CONTAINER RECYCLING DEPOSIT FUND SEPARATE AND APART FROM ALL OTHER FUNDS WITHIN THE GOVERNMENT OF GUAM, AND TO REQUIRE THE CONFIRMATION OF THE VOLUNTARY COOPERATION OF MILITARY COMMANDS WITH THE GUAM BEVERAGE CONTAINER RECYCLING PROGRAM PRIOR TO ASSESSMENT AND COLLECTION OF ANY BEVERAGE CONTAINER DEPOSIT FEES; TO ADD NEW § 76220 TO CHAPTER 76 ARTICLE 2 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ENDORSEMENT OF BEVERAGE CONTAINER RECYCLING REDEMPTION CENTERS; AND TO STATE THE EFFECTIVE DATES OF CERTAIN SUBSECTIONS OF SECTION 2 OF THIS ACT.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahån*
3 finds that the growing importance of our planet's environment has become
4 evident at the highest reaches of our country's leadership, and it is among
5 the top agenda items of the Administration of President Barack Obama and
6 Vice President Joseph Biden. Their initiatives on clean energy, promoting
7 the production of green products and protecting our environment will help

1 to transform the way we live and will make the world a better place for
2 future generations.

3 From ancient times up through the advent of the twentieth century,
4 the people of Guam depended primarily on our lush environment and
5 bountiful ocean to provide their sustenance and found ways to use nature
6 for everything from clothing, to canoes, to the homes in which they lived,
7 and to the weapons with which they fought. The environment was an
8 important part of the lives of our forefathers, and they treated it wisely.

9 Over the course of time, western civilization brought many people
10 and practices to our island and we have left many of the old ways behind.
11 We have become members of a disposable society, generating an enormous
12 quantity of solid waste, up to three pounds per person per day, or about
13 100,000 tons of refuse per year. As our population and the number of our
14 visitors continues to increase, and as the military buildup promises to bring
15 even more people to our island, our volume of solid waste will rise as well,
16 unless we take appropriate action.

17 *I Liheslatura* finds that an environmentally and economically sound
18 solid waste management system must incorporate a number of different
19 aspects such as recycling. Recycling is a means of helping to protect our
20 environment by collecting products that can be reused or remanufactured
21 into other products, thus reducing the volume of refuse that will either take

1 up valuable space in our landfills or have to be eliminated through other
2 means.

3 *I Liheslatura* further finds that the implementation of laws that impose
4 fees or deposits on recyclable items will promote the concept and practice
5 of recycling empty beverage containers. Deposits on recyclable items will
6 assist in preserving our environment and reduce litter. A substantial
7 amount of the litter left behind on beaches and along our roadways
8 consists of beverage containers.

9 A beverage container recycling deposit program implemented in a number
10 of communities across the nation is commonly referred to as a "bottle bill."
11 The first bottle bill became law in the state of Vermont in 1953. It required
12 that beer must be sold only in refillable bottles so that empty bottles would
13 not end up in the trash but instead would be returned to the bottlers to be
14 washed and refilled.

15 The first bottle bill to charge a refundable deposit on non-refillable
16 containers was enacted in 1971 in the state of Oregon. Their beverage
17 container recycling deposit program is so effective that they have a
18 beverage container recycling rate of greater than 80%, more than double
19 the rate of areas without deposit programs. Current bottle bills impose fees
20 or deposits on beverage containers of all kinds, including glass, metal and
21 plastic. Some areas such as Connecticut even have deposits on cartons.

1 *I Liheslatura* further finds that 11 states presently place refundable
2 deposits on recyclable beverage containers. They are: California,
3 Connecticut, Delaware, Hawaii, Iowa, Maine, Massachusetts, Michigan,
4 New York, Oregon, and Vermont. Seven additional states are considering
5 container deposit programs at this time, including Florida, Maryland, New
6 Hampshire, New Jersey, New Mexico, Tennessee and West Virginia. More
7 than half of the population of the United States lives in areas in which
8 container deposit programs are in effect.

9 Beverage container recycling deposit programs have also proven to
10 be effective in some areas within Micronesia. Both the Republic of Kiribati
11 and Kosrae in the Federated States of Micronesia have enacted container
12 recycling deposit programs, and the Republic of Palau has considered
13 implementing such a program.

14 Despite the presence of voluntary recycling programs, such as
15 Guam's IRecycle, the locations that do not have bottle bills recycle less than
16 40% of their beverage containers, compared to the nearly 80% recycling
17 rate for bottle bill states. The 11 bottle bill states recycle more beverage
18 containers than the other 39 non-bottle bill states combined.

19 Guam's IRecycle program states on their website that over \$1.5
20 million could be generated for schools if they were to recycle the 2 million
21 pounds of aluminum beverage cans that are sold in Guam. At 32 cans per

1 pound, a recycling deposit program could earn schools \$2.56 million for the
2 same cans, and this would be in addition to the earnings from the sale of
3 the aluminum, or a possible \$4.06 million. The voluntary programs are
4 making only a little more than a third of what they could be earning. The
5 deposit program proposed in this legislation is **IN ADDITION** to the
6 funds received from the sale of the aluminum. A beverage container
7 deposit program would bring an even greater benefit to our schools.

8 Although no comprehensive studies have been done in Guam, our
9 island's beverage container recycling rate is likely comparable to the lowest
10 recycling rates in the 50 states, which is below 40%. This is due in part to
11 misinformation and also in part because previous efforts to implement a
12 beverage container recycling deposit program have failed because military
13 commands were not ready to participate.

14 For example, several years ago a Judge Advocate General officer
15 stated, in a reply to a request concerning a bottle bill program, that the
16 military cannot be subject to "monetary schemes" without "a waiver of
17 sovereign immunity." Fortunately for Guam, a large number of military
18 personnel and dependents from all branches of service are familiar with
19 bottle bills and are willing to support and cooperate with plans and
20 programs to beautify our island and protect our environment.

1 This negative position taken by military commands only serves to
2 emphasize that the armed forces commands do not always regard Guam or
3 our people in the same manner as they regard those who reside in the 50
4 states, where voluntary participation in local bottle bill programs is the
5 standard. This lack of cooperation with putting a beverage container
6 recycling deposit program into place has stymied all efforts in Guam
7 because of the high number of beverages sold at commissaries and
8 exchanges that end up in the local community as solid waste and litter.

9 Recent conversations concerning recycling with high ranking military
10 officials including former Assistant Navy Secretary B.J. Penn; Executive
11 Director of the Joint Guam Program Office Major General David Bice
12 (USMC Ret.); Rear Admiral William D. French, Commander Naval Forces
13 Marianas; and Brigadier General Douglas Owens, Commander 36th Wing,
14 have indicated their previous position has changed and they are now
15 motivated to work with the local community to implement and voluntarily
16 participate in a bottle bill program, provided it is similar in concept and
17 execution to the beverage container recycling deposit program now in
18 effect in the State of Hawaii.

19 It is therefore the intent of *I Liheslatura* to create the “Guam Beverage
20 Container Recycling Act,” under the direction of the Guam Environmental

1 Protection Agency (GEPA), to begin the process of implementing a
2 container recycling deposit program in Guam.

3 It is also the intent of *I Liheslatura* that the implementation of the
4 “Guam Beverage Container Recycling Deposit Act” constitute no
5 additional expenditure of GEPA funds with the exception of start up and
6 implementation funds that shall be reimbursed by the 1¢ (one cent) per
7 container retained by GEPA and any escheat accumulating due to non-
8 return of containers on which deposits have been paid.

9 It is the additional intent of *I Liheslatura* to provide the caveat that the
10 “Guam Beverage Container Recycling Act,” shall not be implemented
11 unless and until a memorandum of understanding or other agreement is
12 executed by Government of Guam and Department of Defense
13 representatives to assure the people of Guam that the military
14 commissaries and exchanges in Guam will participate in Guam’s beverage
15 container recycling program so that all retail facilities in Guam’s civilian
16 and military communities will be participants under the guidelines of the
17 “Guam Beverage Container Recycling Act.”

18 It is the additional intent of *I Liheslatura* to provide the “Guam
19 Beverage Container Recycling Act” with enough flexibility so that GEPA
20 may amend the rules from time to time depending upon technological

1 advances, economic conditions, waste stream characteristics,
2 environmental effects, or other factors.

3 **Section 2. A new Chapter 44 is added to Title 10 Guam Code**
4 **Annotated Division 2 to read:**

5 Section 2. A new Chapter 44 is added to Division 2, Title 10 Guam
6 Code Annotated to read:

7 **"CHAPTER 44**

8 **GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010**

9 **§ 44101.** Short Title.

10 **§ 44102.** Statement of Policy.

11 **§ 44103.** Definitions.

12 **§ 44104.** Goals for Waste Stream Reduction.

13 **§ 44105.** Deposit Fee.

14 **§ 44106.** Deposit of Beverage Container Recycling Deposit
15 Fees.

16 **§ 44107.** Deposit Beverage Distributors; Registration,
17 Recordkeeping Requirements.

18 **§ 44108.** Beverage Container Recycling Deposit Fund.

19 **§ 44109.** Beverage Container Recycling Deposit Payout.

20 **§ 44110.** Audits.

21 **§ 44111.** Redemption Centers.

1 § 44112. Acceptance of Containers.

2 § 44113. Deposit Beverage Distributor to Collect and Remit
3 Container Deposits.

4 § 44114. Redemption Centers' Claims for Reimbursement
5 and Reporting Requirements.

6 § 44115. Deposit Beverage Container Requirements.

7 § 44116. Responsibility of Dealers.

8 § 44117. Reverse Vending Machine Requirements.

9 § 44118. Rules to be Adopted.

10 § 44119. Military Cooperation.

11 § 44101. **Short Title.** This Act shall be known as "The Guam
12 Beverage Container Recycling Act of 2010."

13 § 44102. **Statement of Policy.** Communities throughout the
14 world, including our island neighbors of Kiribati and Kosrae, in the
15 mainland United States, Canada, Australia and much of Europe have
16 found that recycling has been effective in reducing threats to our
17 environment and in reducing the enormous volume of solid waste
18 produced by our modem lifestyles.

19 Our island environment is precious, vulnerable, and
20 irreplaceable. No individual, public entity, or private corporation has
21 the right to pollute our air, water, or soil. The people of Guam have

1 an ongoing responsibility to conserve, preserve, and enhance our
2 natural resources and island beauty, and to guarantee their continued
3 existence and enjoyment in the present and for future generations.

4 Some of the waste filling our dump today and bound for our
5 landfills tomorrow may represent a potential resource, but without
6 proper management these wastes will continue to be hazards to our
7 environment and to life itself. The reduction of solid waste at its
8 source and the recycling of reusable waste materials will reduce the
9 flow of waste to dumps and landfills and increase the supply of
10 reusable materials for use by the public.

11 The United States Government, our Armed Forces, numerous
12 businesses and many concerned citizens in Guam have already
13 adopted environmentally friendly policies and habits to encourage
14 the purchase, use and re-use of biodegradable, recyclable and
15 recycled products. Many are presently recycling those products for
16 which recycling avenues are available in Guam. It is therefore the
17 policy of this agency of the Government of Guam to establish a
18 mechanism that will provide incentives to aid the entire recycling
19 process as it relates to those products for which additional uses may
20 be found, either in Guam or by sending them off-island, and to set
21 achievable goals for waste stream reduction in the coming years.

1 **§ 44103. Definitions.** As used in this Chapter:

2 (a) “Administrator” means the Administrator of the Guam
3 Environmental Protection Agency.

4 (b) “Auditor” means the Office Public Auditor.

5 (c) “Beverage” means all beverages for human consumption.
6 For purposes of this Chapter the term beverage shall not include
7 items sold in a non-liquid, or frozen form or liquid intended for
8 medicinal purposes only.

9 (d) “Beverage container” means the individual, separate,
10 sealed glass, high density polyethylene, metal, plastic bottle, can, jar,
11 or carton, with a total volume of less than or equal to sixty-four fluid
12 ounces, used for containing, at the time of sale to the consumer, a
13 beverage intended for use or consumption. Beverage containers may
14 be for single use or for multiple uses.

15 (e) “Board” means the Board of Directors of the Guam
16 Environmental Protection Agency.

17 (f) “Commercial passenger vessel” means any domestic or
18 foreign-flagged marine vessel or air carrier used primarily for
19 transporting persons to and from Guam and to and from other
20 destinations. The term does not include:

1 (1) Marine vessels authorized to carry fewer than
2 twenty (20) passengers; or

3 (2) Marine vessels for hire that do not provide
4 overnight accommodations for at least twenty (20)
5 passengers, and based on an average of two (2)
6 persons per cabin.

7 (g) "Consumer" means a person who buys a beverage in a
8 deposit beverage container for use or consumption and pays the
9 deposit.

10 (h) "Dealer" means every person who engages in the sale of
11 recyclable products to a consumer for use or consumption off the
12 premises.

13 (i) "Department" means the Guam Environmental Protection
14 Agency.

15 (j) "Deposit beverage" means beer, ale, or other drink produced
16 by fermenting malt, mixed spirits; mixed wine, tea and coffee drinks
17 regardless of dairy-derived product content; soda, or noncarbonated
18 water; and all nonalcoholic drinks in liquid form and intended for
19 internal human consumption that is contained in a deposit beverage
20 container.

21 The term "deposit beverage" excludes the following:

- 1 (1) A liquid that is:
 - 2 (A) A syrup;
 - 3 (B) In a concentrated form; or
 - 4 (C) Typically added as a minor flavoring
5 ingredient in food or drink, such as extracts,
6 cooking additives, sauces, or condiments;
- 7 (2) A liquid which is a drug, medical food or infant
8 formula as defined by the Federal Food, Drug, and
9 Cosmetic Act (21 U.S.C. §301 et seq.);
- 10 (3) A liquid which is designed and consumed only as a
11 dietary supplement and not as a beverage as
12 defined in the Dietary Supplement Health and
13 Education Act of 1994 (P.L. 103-417);
- 14 (4) Products frozen at the time of sale to the consumer,
15 or, in the case of institutional users such as hospitals
16 and nursing homes, at the time of sale to the users;
- 17 (5) Products designed to be consumed in a frozen state;
- 18 (6) Instant drink powders;
- 19 (7) Seafood, meat, or vegetable broths, or soups, but
20 not juices; and

1 (8) Milk and all other dairy-derived products, except
2 tea and coffee drinks with trace amounts of these
3 products.

4 (k) "Deposit beverage container" means the individual,
5 separate, sealed glass, polyethylene terephthalate, high density
6 polyethylene, or metal container less than or equal to sixty-eight fluid
7 ounces, used for containing, at the time of sale to the consumer, a
8 deposit beverage intended for use or consumption in Guam.

9 (l) "Deposit Beverage Distributor" means a business, whether
10 licensed in Guam or not, that engages in the sale or distribution of
11 any and all alcoholic and non-alcoholic beverages, juices, flavored
12 drinks, milk, coffee, tea and water in recyclable products to a dealer
13 in Guam, including any manufacturer who engages in such sales and
14 imports and sells such products to either or both consumers and
15 retailers located on either or both federal and private property.
16 "Deposit Beverage Distributor" also means a "Wholesaler."

17 (m) "Deposit Fee" means the amount added to the listed price
18 of a product that the consumer must pay to the dealer or distributor
19 as a deposit for each individual beverage container that has been
20 identified by the Department as recyclable and requiring a deposit.
21 An amount equivalent to at least 80% of the deposit fee shall be

1 returned to the redeemer when the redeemer sells the container to a
2 redemption center. No taxes shall be assessed or collected on deposit
3 fees accepted by dealers for products approved in this Chapter 44 for
4 recycling purposes.

5 (n) "Escheat" means the deposit fee paid to a dealer or deposit
6 beverage distributor that remains unclaimed and becomes
7 department property.

8 (o) "Import" means to buy, bring, or accept delivery of deposit
9 beverage containers from an address, supplier, or any entity outside
10 of Guam.

11 (p) "Importer" means any person who buys, brings, or accepts
12 delivery of deposit beverage containers from outside of Guam for
13 sale or use within Guam.

14 (q) "List of Approved Containers" means the list compiled the
15 Board of approved containers identified for recycling deposits.
16 Containers may not be placed upon the list unless a process to
17 recycle, reuse, convert to energy, or physically remove containers
18 from Guam has been established or will be established concurrent
19 with placement upon said list.

1 (r) "Manufacturer" means every person producing recyclable
2 products including those who package or fill recyclable products for
3 sale to distributors or dealers.

4 (s) "On-premises consumption" means to consume deposit
5 beverages by a consumer immediately and within the area under
6 control of the establishment, including bars, restaurants, commercial
7 passenger vessels, and airplanes.

8 (t) "Person" means an individual, corporation, company,
9 association, partnership, federal agency, or agency of the government
10 of Guam.

11 (u) "Recycling facility" means all contiguous land and
12 structures and other appurtenances, and improvements on the land
13 used for the collection, separation, recovery, and sale or reuse of
14 resources that would otherwise be disposed of as municipal solid
15 waste, and is an integral part of a manufacturing process aimed at
16 producing a marketable product made of post-consumer material
17 whether manufactured locally or produced off-island.

18 (v) "Redeemer" means a person, other than a dealer or
19 distributor, who demands at least 80% of the refund value in
20 exchange for an empty deposit beverage container.

1 (w) "Redemption center" means an operation that accepts
2 empty deposit beverage containers from redeemers and provides at
3 least 80% of the refund value for empty deposit beverage containers
4 intended to be recycled and ensures that the empty deposit beverage
5 containers are properly recycled.

6 (x) "Refillable beverage container" means any deposit beverage
7 container, which ordinarily would be returned to the manufacturer to
8 be refilled and resold.

9 (y) "Refund amount" means the amount of the deposit fee
10 refunded to a redeemer, which shall be at least [~~75%~~] 80% of the total
11 amount of deposit fee paid per container.

12 (z) "Reverse vending machine" means a mechanical device,
13 which accepts one or more types of empty deposit beverage
14 containers and issues coins or a redeemable credit slip with a value
15 not less than the container's refund value.

16 (aa) "Wholesaler" means a "Deposit Beverage Distributor."

17 **§ 44104. Goals for Waste Stream Reduction.** The goal of this
18 Act is to reduce the amount of material in our waste stream by a
19 minimum of five percent (5%) each year from [~~2010 to 2016~~] the date
20 of implementation of the recycling deposit fee, until [achieving] a
21 thirty-five percent (35%) reduction of material in our waste stream

1 has been achieved [~~by the year 2016~~] through the practice of waste
2 volume reduction at the source and through recycling. Should a
3 facility or facilities employing combustion of solid waste and refuse-
4 derived fuel with energy recovery (waste-to-energy) become
5 operational in Guam [~~prior to 2016~~] as a component of an approved
6 comprehensive plan, then waste reduction goals shall increase by an
7 additional five percent (5%) each year, beginning with the first full
8 year that [~~the~~] any waste-to-energy plant or plants may be [~~is~~] in
9 operation.

10 **§ 44105. Deposit Fee.** A deposit fee of not less than five cents
11 (5¢) is hereby levied on each beverage container described in §
12 44103(d) and sold in Guam for off-premises consumption. Such fee
13 shall be remitted to the department by deposit beverage distributors,
14 licensed in Guam, which distribute such beverage containers. The
15 Board may adjust the deposit fee as provided in § 44105 of this
16 Chapter 44.

17 **(a) No taxes on deposit fees.** No taxes shall be assessed or
18 collected on deposit fees accepted by dealers for products approved
19 in this Chapter 44 for recycling purposes.

20 **§ 44106. Deposit of Beverage Container Recycling Deposit**
21 **Fees.**

1 (a) Deposit Beverage Distributors of beverage containers that
2 meet the conditions described in item (b) of this § 44106 shall, on a
3 monthly basis, remit an amount equal to the deposit fee described in
4 § 44105 of this Chapter 44 multiplied by the number of containers
5 that have been purchased on which the deposit is applied, and for
6 which payment has been received by the wholesaler in the previous
7 calendar month. Deposits shall be made in the manner and on the
8 forms prescribed by the department.

9 (b) Types of containers upon which deposit fees shall be levied
10 must be first approved by the Board for placement upon a list of
11 approved containers identified for recycling deposits. Containers
12 may not be placed upon the list of approved containers identified for
13 recycling unless a process to recycle, reuse, convert to energy, or
14 physically remove containers from Guam has been established or will
15 be established concurrent with placement upon said list.

16 [~~(d)~~] (c) The Board upon recommendation of the director shall
17 from time to time examine and may elect to increase either the
18 deposit fee or the percentage of the refund value returned to the
19 redeemer or both as provided in § 44109 of this Act.

20 [~~(e)~~] (d) Levy of the deposit fee imposed upon beverage
21 containers shall begin [~~on July 1, 2010~~] six (6) months (180 calendar

1 days) after the effective date of the voluntary agreement described in
2 Title 10 GCA Chapter 44 § 44119, except as may otherwise be
3 provided in this act.

4 **§ 44107. Deposit Beverage Distributors; Registration,**
5 **Recordkeeping Requirements.**

6 (a) [~~By July 1, 2010, all~~] Six (6) months (180 calendar days) after
7 the effective date of the voluntary agreement described in Title 10
8 GCA Chapter 44 § 44119, Deposit Beverage Distributors operating in
9 Guam shall register with the Department, using forms prescribed by
10 the Department, and shall notify the Department of any change in
11 address or other information previously submitted. [~~After July 1,~~
12 ~~2010, any~~] Any person who desires to conduct business in Guam as a
13 Deposit Beverage Distributor shall register with the Department no
14 later than one month prior to the commencement of their business.

15 (b) All Deposit Beverage Distributors shall maintain records
16 reflecting the manufacture of their beverages in deposit beverage
17 containers as well as the importation and exportation of deposit
18 beverage containers. The records shall be made available, upon
19 request, for inspection by the Department; provided that any
20 proprietary information obtained by the Department shall be kept
21 confidential and shall not be disclosed to any other person, except:

- 1 (1) As may be reasonably required in an administrative
2 or judicial proceeding to enforce any provision of
3 this chapter or any rule adopted pursuant to this
4 chapter; or
- 5 (2) Under an order issued by a court or administrative
6 agency hearings officer.

7 **§ 44108. Beverage Container Recycling Deposit Fund.**

8 (a) There is within the Government of Guam and under the
9 control of the Department a Beverage Container Recycling Deposit
10 Fund, which is hereby created, into which the proceeds from
11 recycling deposit fees as provided in § 44105 of this act are deposited,
12 and in which all interest earned by the Beverage Container Recycling
13 Deposit Fund shall accrue.

14 (b) The Beverage Container Recycling Deposit Fund shall be
15 administered separate and apart from any other fund of the
16 Government and shall not be subject to any transfer authority of the
17 Governor or appropriation by the Legislature except as provided in
18 this Chapter 44.

19 (c) The funds remitted into the Beverage Container Recycling
20 Deposit Fund shall be used only for the following purposes:

- 1 (1) Reimbursements to Redemption Centers of
2 amounts refunded to redeemers;
- 3 (2) Expenses related to administer the provisions of
4 this Chapter 44;
- 5 (3) Funding of administrative, audit, and compliance
6 activities associated with collection and payment of
7 the deposits of the Beverage Container Recycling
8 Deposit Act;
- 9 (4) Conducting of recycling education and
10 demonstration projects; and
- 11 (5) Promotion of recycling related activities.

12 **§ 44109. Beverage Container Recycling Deposit Payout.**

13 (a) For each empty beverage container approved for recycling
14 deposits under § 44105 (c) and brought to a redemption center,
15 Eighty Percent (80%), [~~or four cents (4¢)~~] shall be returned to the
16 redeemer for each empty beverage container. Payouts to redeemers
17 shall begin [~~on October 1, 2010~~] Six (6) months (180 calendar days)
18 after the effective date of the voluntary agreement described in Title
19 10 GCA Chapter 44 § 44119,

1 [~~(e)~~] (b) A person operating a redemption center may compact
2 empty metal beverage containers with the approval of the recycling
3 facility required to accept the containers.

4 **§ 44110. Audits.** The Office of the Public Auditor shall conduct
5 a management and financial audit of the program beginning in fiscal
6 year [~~2011~~] 2012, and for each fiscal year thereafter ending in an even
7 number. The costs incurred by the auditor for the audit shall be
8 reimbursed by the Beverage Container Recycling Deposit Fund. The
9 auditor may contract the audit services of a third party to conduct the
10 audit.

11 **§ 44111. Redemption Centers.**

12 (a) To facilitate the return of empty beverage containers, and
13 subject to the approval of the Department and appropriate business
14 licensing, any person may establish a redemption center at which
15 consumers may return empty beverage containers and receive
16 payment of the refund value of such beverage containers. Refunds
17 may be based on number or weight of deposit beverage containers.

18 (b) An application for approval of a Redemption Center shall be
19 filed with the Department. The application shall state the name and
20 address of the person responsible for the establishment and operation
21 of the Redemption Center, the kind of beverage containers that will

1 be accepted at the Redemption Center, and the names of the
2 distributor or distributors that will be handling and exporting their
3 recyclables, if different from the name of the operator of the
4 Redemption Center. The application shall contain such other
5 information as the administrator may reasonably require.

6 (c) The Department shall approve a Redemption Center if it
7 finds that the Redemption Center will provide a convenient service to
8 consumers for the return of empty beverage containers. The order of
9 the Department approving a Redemption Center shall state the kind
10 of empty beverage containers that the Redemption Center must
11 accept. The order may contain such other provisions to insure that
12 the Redemption Center will provide a convenient service to the
13 public as the administrator may determine. Applicants shall be
14 appropriately licensed to conduct business in Guam by the
15 Department of Revenue and Taxation.

16 (d) The Department may review the approval of any
17 Redemption Center at any time. After written notice to the person
18 responsible for the establishment and operation of the Redemption
19 Center, the Department may, after hearing, withdraw approval of a
20 Redemption Center if the Department finds there has not been
21 compliance with the Department's order approving the Redemption

1 Center, or if the Redemption Center no longer provides a convenient
2 service to the public.

3 (e) All approved Redemption Centers shall meet applicable
4 health standards and shall be maintained in full compliance with
5 applicable laws and with the orders and rules of the department,
6 including permitting requirements.

7 (f) Redemption centers shall:

8 (1) Accept all types of empty deposit beverage
9 containers for which a deposit has been paid;

10 (2) Pay to the redeemer the full refund value in either
11 cash or a redeemable voucher for all deposit
12 beverage containers;

13 (3) Remain open at least thirty hours per week, of
14 which at least five hours shall be on Saturday or
15 Sunday; and

16 (4) Forward the documentation necessary to support
17 claims for payment as stated in § 44114 of this
18 Chapter 44.

19 (g) The Department shall prepare printed material to be posted
20 at dealer locations in conspicuous areas identifying the location of

1 approved Redemption Centers and specifying what type of
2 recyclable materials may be deposited at each center.

3 (h) All Redemption Centers shall submit to the department the
4 following information on forms and on dates prescribed by the
5 department, which information shall include at a minimum:

- 6 (1) The number or weight of deposit beverage containers of
7 each material type accepted at the redemption center for
8 the reporting period; and
9 (2) The amount of refunds paid out by material type.

10 **§ 44112. Acceptance of Containers.** A redemption center shall
11 not refuse to accept from a consumer any empty beverage container
12 described in § 44103 (d), or refuse to pay to the consumer the refund
13 value of a beverage container as provided in § 44109, except for the
14 following reasons:

- 15 (1) The deposit beverage container is broken, corroded,
16 or dismembered;
17 (2) The deposit beverage container contains a free-
18 flowing liquid;
19 (3) The deposit beverage container holds a significant
20 amount of foreign material; or

1 (4) The deposit beverage container appears to have
2 been previously processed and baled.

3 **§ 44113. Deposit Beverage Distributor to Collect and Remit**
4 **Container Deposits.** Deposit Beverage Distributors licensed in Guam
5 that meet the conditions described in items 1 through 3 below shall,
6 on a monthly basis, remit an amount for deposits for such beverage
7 containers as described pursuant to this Chapter equal to the amount
8 of the deposit as described in § 44105 [~~(a) and (b)~~] of this Chapter 44,
9 in the manner and on the forms developed by the Department,
10 payable to the Beverage Container Recycling Deposit Fund, and
11 subject to the requirements of the Department.

12 (1) Condition 1: The Deposit Beverage Distributor
13 licensed in Guam distributes beverages that may
14 include any and all alcoholic and non-alcoholic
15 beverages, juices, flavored drinks, milk, coffee, tea
16 and water; and

17 (2) Condition 2: Any of the beverages distributed are in
18 containers that have been identified by the Guam
19 Environmental Protection Agency as that which can
20 be recycled pursuant to § 44112 of this chapter; and

1 (3) The business is a distributor in Guam of any such
2 beverage product for sale to customers by retailers
3 located on both federal and private property to both
4 military and local retailers.”

5 **§ 44114. Redemption Centers’ Claims for Reimbursement and**
6 **Reporting Requirements.**

7 (a) Claims for reimbursements of refund amounts paid out by
8 Redemption Centers shall be made by Redemption Centers in the
9 manner, on the forms, and in the frequency specified by the
10 Department.

11 (b) The department shall pay certified redemption centers
12 refund values as described in § 44109 of this Chapter 44, based on
13 collection reports submitted by the redemption centers. All
14 redemption centers shall submit to the department the following
15 information on form prescribed by the department, which
16 information shall include at a minimum:

- 17 (1) The number or weight of deposit beverage
18 containers of each material type accepted at the
19 redemption center for the reporting period;
- 20 (2) The amount of refunds paid out by material type;
21 and

1 (3) The number or weight of deposit beverage
2 containers of each material type to be transported to
3 a permitted recycling facility.

4 **§ 44115. Deposit Beverage Container Requirements.**

5 (a) Except as provided in (b) and (c) of this § 44115, effective on
6 September 1, 2011, every deposit beverage container sold in Guam
7 shall clearly indicate the refund value of the container and the word
8 “Guam” or the letters “GU.” The names or letters representing the
9 names of other states or jurisdictions with comparable deposit
10 legislation may also be included in the indication of refund value.
11 The refund value on every deposit beverage container shall be
12 clearly, prominently, and indelibly marked by painting, printing,
13 scratch embossing, raised letter embossing, or securely affixed
14 stickers and shall be affixed on the top or side of the container in
15 letters at least one- eighth inch in size.

16 (b) Subsection (a) of this § 44115 shall not apply to any type of
17 refillable glass deposit beverage container that has a brand name
18 permanently marked on it and that has the equivalent of a refund
19 value of at least 5 cents, which is paid upon receipt of the container
20 by a dealer or deposit beverage distributor.

1 (c) Containers that do not meet the definition of a deposit
2 beverage container, as specified in § 44103 [~~e~~] (d) of this Chapter 44,
3 shall not indicate "Guam" or "GU" on the container.

4 **§ 44116. Responsibility of Dealers.** Dealers who are not
5 redemption centers shall post a clear and conspicuous sign at the
6 primary public entrance of the dealer's place of business that
7 specifies the name, address, and hours of operation of the closest
8 Recycling Redemption Center location(s).

9 Businesses that sell deposit beverages for on-premises
10 consumption, such as hotels, bars, and restaurants, shall collect used
11 deposit beverage containers from the patron and either use a certified
12 redemption center for the collection of containers or become a
13 Recycling Redemption Center.

14 **§ 44117. Reverse Vending Machine Requirements.** Reverse
15 vending machines may be used by Recycling Redemption Centers to
16 satisfy the requirements of this Chapter 44, provided that the reverse
17 vending machine shall accept one or more types of empty deposit
18 beverage containers and shall pay out appropriate refunds as coins or
19 via a redeemable credit slip with a value not less than the refund
20 value of the container or containers being redeemed. Reverse
21 vending machines shall be routinely serviced to ensure proper

1 operation and continuous acceptance of empty deposit beverage
2 containers and payment of the refund value.

3 **§ 44118. Rules to be Adopted.**

4 (a) The Board shall convene an advisory committee to assist in
5 the development of all rules needed to implement this Chapter 44.
6 Members of the committee shall assess the impact on consumers,
7 recyclers, the military, and the beverage industry. Members of the
8 committee shall be appointed by the administrator and shall serve at
9 the administrator's pleasure. A simple majority of the committee
10 members shall constitute a quorum for the purposes of
11 recommending rules and providing input to the Board.

12 (b) The Board may adopt rules pursuant to this chapter 44 as
13 may be necessary to carry out its provisions. Amendments to such
14 Rules may be considered and adopted from time to time to replace or
15 supplement such rules as may be in existence, to include:

- 16 (1) Identifying items to be recycled in addition to
17 beverage containers;
- 18 (2) Establishing or revising appropriate deposit fees
19 and refund values;
- 20 (3) Regulating redemption centers and the redemption
21 process for recyclable items; and

1 (4) Establishing and revising appropriate forms and
2 procedures to reimburse Redemption Centers
3 applying for refund amounts.

4 (c) The Board shall consider the merging or transfer of the
5 functions described in this Chapter 44 with the functions of an
6 autonomous entity created to manage all solid waste concerns within
7 Guam.

8 **§ 44119. Military Cooperation.** The provisions of this Chapter
9 44 relative to beverage container recycling deposit fees shall not be
10 implemented, and deposits as defined in this Chapter 44 shall not be
11 assessed or collected on beverage containers until the Government of
12 Guam and the U.S. Navy and U.S. Air Force commands in Guam
13 shall have established a voluntary agreement in writing that provides
14 for such deposit fees to be assessed and collected throughout Guam,
15 including all locations both on and off federal property, in the
16 manner described in such voluntary agreement. Assessment and
17 collection of deposit fees on beverage containers shall continue only
18 for the period of time that such voluntary agreement is in effect.”

19 **Section 3. A new §76220 is added to Chapter 76 Article 2 of Title 11**

20 **Guam Code Annotated to read:**

1 **"§76220. Recycling Redemption Center Endorsements.** An
2 endorsement for a Recycling Redemption Center must be obtained by
3 any person who engages in the business of receiving recyclable
4 products and remitting a portion of deposit fees to redeemers. Such
5 required endorsement is approval by the Guam Environmental
6 Protection Agency pursuant to Chapter 44 of Title 10 Guam Code
7 Annotated."

8 **Section 4. Effective Dates.** The provisions of this Act shall take effect
9 as follows:

10 (a) Section 2, §§ 44105, 44106 and 44107 shall take effect [~~twelve~~
11 ~~(12)~~] six (6) months (180 calendar days) after the effective date of the
12 voluntary agreement described in Title 10 GCA Chapter 44 § 44119.

13 (b) Section 2, § 44109 and § 44110 shall take effect [~~fifteen (15)~~
14 ~~months~~] six (6) months (180 calendar days) after the effective date of
15 the voluntary agreement described in Title 10 GCA Chapter 44 §
16 44119.

17 (c) Section 2, § 44114 shall take effect [~~twenty four (24) months~~]
18 six (6) months (180 calendar days) after the effective date of the
19 voluntary agreement described in Title 10 GCA Chapter 44 § 44119."

20 **Section 5. Severability.** If any provision of this Law or its application
21 to any person or circumstance is found to be invalid or contrary to law,

- 1 such invalidity shall not affect other provisions or applications of this Law
- 2 which can be given effect without the invalid provisions or application,
- 3 and to this end the provisions of this Law are severable.

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MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

2009 JUN 12 PM 1:25 *from*

Bill No. 149 (COR)

Introduced by:

Tina Rose Muña Barnes
Frank B. Aguon Jr.



AN ACT TO ADD A NEW CHAPTER 44 TO TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE "GUAM BEVERAGE CONTAINER RECYCLING DEPOSIT ACT" AND TO ESTABLISH A BEVERAGE CONTAINER RECYCLING DEPOSIT FUND SEPARATE AND APART FROM ALL OTHER FUNDS WITHIN THE GOVERNMENT OF GUAM, AND TO REQUIRE THE CONFIRMATION OF THE VOLUNTARY COOPERATION OF MILITARY COMMANDS WITH THE GUAM BEVERAGE CONTAINER RECYCLING PROGRAM PRIOR TO ASSESSMENT AND COLLECTION OF ANY BEVERAGE CONTAINER DEPOSIT FEES; TO ADD NEW § 76220 TO CHAPTER 76 ARTICLE 2 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ENDORSEMENT OF BEVERAGE CONTAINER RECYCLING REDEMPTION CENTERS; AND TO STATE THE EFFECTIVE DATES OF CERTAIN SUBSECTIONS OF SECTION 2 OF THIS ACT.

- 1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
- 2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*
- 3 *Guahån* finds that the growing importance of our planet's
- 4 environment has become evident at the highest reaches of our
- 5 country's leadership, and it is among the top agenda items of the
- 6 Administration of President Barack Obama and Vice President

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1 Joseph Biden. Their initiatives on clean energy, promoting the
2 production of green products and protecting our environment will
3 help to transform the way we live and will make the world a better
4 place for future generations.

5 From ancient times up through the advent of the twentieth
6 century, the people of Guam depended primarily on our lush
7 environment and bountiful ocean to provide their sustenance and
8 found ways to use nature for everything from clothing, to canoes, to
9 the homes in which they lived, and to the weapons with which they
10 fought. The environment was an important part of the lives of our
11 forefathers, and they treated it wisely.

12 Over the course of time, western civilization brought many
13 people and practices to our island and we have left many of the old
14 ways behind. We have become members of a disposable society,
15 generating an enormous quantity of solid waste, up to three pounds
16 per person per day, or about 100,000 tons of refuse per year. As our
17 population and the number of our visitors continues to increase, and
18 as the military buildup promises to bring even more people to our

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1 island, our volume of solid waste will rise as well, unless we take
2 appropriate action.

3 *I Liheslatura* finds that an environmentally and economically
4 sound solid waste management system must incorporate a number of
5 different aspects such as recycling. Recycling is a means of helping to
6 protect our environment by collecting products that can be reused or
7 remanufactured into other products, thus reducing the volume of
8 refuse that will either take up valuable space in our landfills or have
9 to be eliminated through other means.

10 *I Liheslatura* further finds that the implementation of laws that
11 impose fees or deposits on recyclable items will promote the concept
12 and practice of recycling empty beverage containers. Deposits on
13 recyclable items will assist in preserving our environment and reduce
14 litter. A substantial amount of the litter left behind on beaches and
15 along our roadways consists of beverage containers.

16 A beverage container recycling deposit program implemented
17 in a number of communities across the nation is commonly referred
18 to as a "bottle bill." The first bottle bill became law in the state of
19 Vermont in 1953. It required that beer must be sold only in refillable

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1 bottles so that empty bottles would not end up in the trash but
2 instead would be returned to the bottlers to be washed and refilled.

3 The first bottle bill to charge a refundable deposit on non-
4 refillable containers was enacted in 1971 in the state of Oregon. Their
5 beverage container recycling deposit program is so effective that they
6 have a beverage container recycling rate of greater than 80%, more
7 than double the rate of areas without deposit programs. Current
8 bottle bills impose fees or deposits on beverage containers of all
9 kinds, including glass, metal and plastic. Some areas such as
10 Connecticut even have deposits on cartons.

11 *I Liheslatura* further finds that 11 states presently place
12 refundable deposits on recyclable beverage containers. They are:
13 California, Connecticut, Delaware, Hawaii, Iowa, Maine,
14 Massachusetts, Michigan, New York, Oregon, and Vermont. Seven
15 additional states are considering container deposit programs at this
16 time, including Florida, Maryland, New Hampshire, New Jersey,
17 New Mexico, Tennessee and West Virginia. More than half of the
18 population of the United States lives in areas in which container
19 deposit programs are in effect.

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1 Beverage container recycling deposit programs have also
2 proven to be effective in some areas within Micronesia. Both the
3 Republic of Kiribati and Kosrae in the Federated States of Micronesia
4 have enacted container recycling deposit programs, and the Republic
5 of Palau has considered implementing such a program.

6 Despite the presence of voluntary recycling programs, such as
7 Guam's IRecycle, the locations that do not have bottle bills recycle
8 less than 40% of their beverage containers, compared to the nearly
9 80% recycling rate for bottle bill states. The 11 bottle bill states recycle
10 more beverage containers than the other 39 non-bottle bill states
11 combined.

12 Guam's IRecycle program states on their website that over \$1.5
13 million could be generated for schools if they were to recycle the 2
14 million pounds of aluminum beverage cans that are sold in Guam. At
15 32 cans per pound, a recycling deposit program could earn schools
16 \$2.56 million for the same cans, and this would be in addition to the
17 earnings from the sale of the aluminum, or a possible \$4.06 million.
18 The voluntary programs are making only a little more than a third of
19 what they could be earning. The deposit program proposed in this

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1 legislation is **IN ADDITION** to the funds received from the sale of
2 the aluminum. A beverage container deposit program would bring
3 an even greater benefit to our schools.

4 Although no comprehensive studies have been done in Guam,
5 our island's beverage container recycling rate is likely comparable to
6 the lowest recycling rates in the 50 states, which is below 40%. This is
7 due in part to misinformation and also in part because previous
8 efforts to implement a beverage container recycling deposit program
9 have failed because military commands were not ready to participate.

10 For example, several years ago a Judge Advocate General
11 officer stated, in a reply to a request concerning a bottle bill program,
12 that the military cannot be subject to "monetary schemes" without "a
13 waiver of sovereign immunity." Fortunately for Guam, a large
14 number of military personnel and dependents from all branches of
15 service are familiar with bottle bills and are willing to support and
16 cooperate with plans and programs to beautify our island and protect
17 our environment.

18 This negative position taken by military commands only serves
19 to emphasize that the armed forces commands do not always regard

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1 Guam or our people in the same manner as they regard those who
2 reside in the 50 states, where voluntary participate in local bottle bill
3 programs is the standard. This lack of cooperation with putting a
4 beverage container recycling deposit program into place has stymied
5 all efforts in Guam because of the high number of beverages sold at
6 commissaries and exchanges that end up in the local community as
7 solid waste and litter.

8 Recent conversations concerning recycling with high ranking
9 military officials including former Assistant Navy Secretary B.J. Penn;
10 Executive Director of the Joint Guam Program Office Major General
11 David Bice (USMC Ret.); Rear Admiral William D. French,
12 Commander Naval Forces Marianas; and Brigadier General Douglas
13 Owens, Commander 36th Wing, have indicated their previous
14 position has changed and they are now motivated to work with the
15 local community to implement and voluntarily participate in a bottle
16 bill program, provided it is similar in concept and execution to the
17 beverage container recycling deposit program now in effect in the
18 State of Hawaii.

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1 It is therefore the intent of *I Liheslatura* to create the "Guam
2 Beverage Container Recycling Act," under the direction of the Guam
3 Environmental Protection Agency (GEPA), to begin the process of
4 implementing a container recycling deposit program in Guam.

5 It is also the intent of *I Liheslatura* that the implementation of
6 the "Guam Beverage Container Recycling Deposit Act" constitute no
7 additional expenditure of GEPA funds with the exception of start up
8 and implementation funds that shall be reimbursed by the 1¢ (one
9 cent) per container retained by GEPA and any escheat accumulating
10 due to non-return of containers on which deposits have been paid.

11 It is the additional intent of *I Liheslatura* to provide the caveat
12 that the "Guam Beverage Container Recycling Act," shall not be
13 implemented unless and until a memorandum of understanding or
14 other agreement is executed by Government of Guam and
15 Department of Defense representatives to assure the people of Guam
16 that the military commissaries and exchanges in Guam will
17 participate in Guam's beverage container recycling program so that
18 all retail facilities in Guam's civilian and military communities will be

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1 participants under the guidelines of the “Guam Beverage Container
2 Recycling Act.”

3 It is the additional intent of *I Liheslatura* to provide the “Guam
4 Beverage Container Recycling Act” with enough flexibility so that
5 GEPA may amend the rules from time to time depending upon
6 technological advances, economic conditions, waste stream
7 characteristics, environmental effects, or other factors.

8 **Section 2. A new Chapter 44 is added to Title 10 Guam Code**
9 **Annotated Division 2 to read:**

10 Section 2. A new Chapter 44 is added to Division 2, Title 10
11 Guam Code Annotated to read:

12 **“CHAPTER 44**
13 **GUAM BEVERAGE CONTAINER RECYCLING ACT OF**
14 **2010**

15 § 44101. Short Title.

16 § 44102. Statement of Policy.

17 § 44103. Definitions.

18 § 44104. Goals for Waste Stream Reduction.

19 § 44105. Deposit Fee.

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- 1 § 44106. Deposit of Beverage Container Recycling
2 Deposit Fees.
- 3 § 44107. Deposit Beverage Distributors; Registration,
4 Recordkeeping Requirements.
- 5 § 44108. Beverage Container Recycling Deposit Fund.
- 6 § 44109. Beverage Container Recycling Deposit
7 Payout.
- 8 § 44110. Audits.
- 9 § 44111. Redemption Centers.
- 10 § 44112. Acceptance of Containers.
- 11 § 44113. Deposit Beverage Distributor to Collect and
12 Remit Container Deposits.
- 13 § 44114. Redemption Centers' Claims for
14 Reimbursement and Reporting Requirements.
- 15 § 44115. Deposit Beverage Container Requirements.
- 16 § 44116. Responsibility of Dealers.
- 17 § 44117. Reverse Vending Machine Requirements.
- 18 § 44118. Rules to be Adopted.
- 19 § 44119. Military Cooperation.

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1 **§ 44101. Short Title.** This Act shall be known as “The
2 Guam Beverage Container Recycling Act of 2010.”

3 **§ 44102. Statement of Policy.** Communities throughout
4 the world, including our island neighbors of Kiribati and
5 Kosrae, in the mainland United States, Canada, Australia and
6 much of Europe have found that recycling has been effective in
7 reducing threats to our environment and in reducing the
8 enormous volume of solid waste produced by our modern
9 lifestyles.

10 Our island environment is precious, vulnerable, and
11 irreplaceable. No individual, public entity, or private
12 corporation has the right to pollute our air, water, or soil. The
13 people of Guam have an ongoing responsibility to conserve,
14 preserve, and enhance our natural resources and island beauty,
15 and to guarantee their continued existence and enjoyment in
16 the present and for future generations.

17 Some of the waste filling our dump today and bound for
18 our landfills tomorrow may represent a potential resource, but
19 without proper management these wastes will continue to be

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1 hazards to our environment and to life itself. The reduction of
2 solid waste at its source and the recycling of reusable waste
3 materials will reduce the flow of waste to dumps and landfills
4 and increase the supply of reusable materials for use by the
5 public.

6 The United States Government, our Armed Forces,
7 numerous businesses and many concerned citizens in Guam
8 have already adopted environmentally friendly policies and
9 habits to encourage the purchase, use and re-use of
10 biodegradable, recyclable and recycled products. Many are
11 presently recycling those products for which recycling avenues
12 are available in Guam. It is therefore the policy of this agency of
13 the Government of Guam to establish a mechanism that will
14 provide incentives to aid the entire recycling process as it
15 relates to those products for which additional uses may be
16 found, either in Guam or by sending them off-island, and to set
17 achievable goals for waste stream reduction in the coming
18 years.

19 **§ 44103. Definitions.** As used in this Chapter:

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1 (a) "Administrator" means the Administrator of the
2 Guam Environmental Protection Agency.

3 (b) "Auditor" means the Office Public Auditor.

4 (c) "Beverage" means all beverages for human
5 consumption. For purposes of this Chapter the term beverage
6 shall not include items sold in a non-liquid, or frozen form or
7 liquid intended for medicinal purposes only.

8 (d) "Beverage container" means the individual,
9 separate, sealed glass, high density polyethylene, metal, plastic
10 bottle, can, jar, or carton, with a total volume of less than or
11 equal to sixty-four fluid ounces, used for containing, at the time
12 of sale to the consumer, a beverage intended for use or
13 consumption. Beverage containers may be for single use or for
14 multiple uses.

15 (e) "Board" means the Board of Directors of the Guam
16 Environmental Protection Agency.

17 (f) "Commercial passenger vessel" means any
18 domestic or foreign-flagged marine vessel or air carrier used

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1 primarily for transporting persons to and from Guam and to
2 and from other destinations. The term does not include:

3 (1) Marine vessels authorized to carry fewer than
4 twenty (20) passengers; or

5 (2) Marine vessels for hire that do not provide
6 overnight accommodations for at least twenty
7 (20) passengers, and based on an average of
8 two (2) persons per cabin.

9 (g) "Consumer" means a person who buys a beverage
10 in a deposit beverage container for use or consumption and
11 pays the deposit.

12 (h) "Dealer" means every person who engages in the
13 sale of recyclable products to a consumer for use or
14 consumption off the premises.

15 (i) "Department" means the Guam Environmental
16 Protection Agency.

17 (j) "Deposit beverage" means beer, ale, or other drink
18 produced by fermenting malt, mixed spirits; mixed wine, tea
19 and coffee drinks regardless of dairy-derived product content;

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1 soda, or noncarbonated water; and all nonalcoholic drinks in
2 liquid form and intended for internal human consumption that
3 is contained in a deposit beverage container.

4 The term “deposit beverage” excludes the following:

- 5 (1) A liquid that is:
- 6 (A) A syrup;
- 7 (B) In a concentrated form; or
- 8 (C) Typically added as a minor flavoring
- 9 ingredient in food or drink, such as
- 10 extracts, cooking additives, sauces, or
- 11 condiments;
- 12 (2) A liquid which is a drug, medical food or
- 13 infant formula as defined by the Federal Food,
- 14 Drug, and Cosmetic Act (21 U.S.C. §301 et
- 15 seq.);
- 16 (3) A liquid which is designed and consumed
- 17 only as a dietary supplement and not as a
- 18 beverage as defined in the Dietary

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1 Supplement Health and Education Act of 1994
2 (P.L. 103-417);

3 (4) Products frozen at the time of sale to the
4 consumer, or, in the case of institutional users
5 such as hospitals and nursing homes, at the
6 time of sale to the users;

7 (5) Products designed to be consumed in a frozen
8 state;

9 (6) Instant drink powders;

10 (7) Seafood, meat, or vegetable broths, or soups,
11 but not juices; and

12 (8) Milk and all other dairy-derived products,
13 except tea and coffee drinks with trace
14 amounts of these products.

15 (k) "Deposit beverage container" means the individual,
16 separate, sealed glass, polyethylene terephthalate, high density
17 polyethylene, or metal container less than or equal to sixty-
18 eight fluid ounces, used for containing, at the time of sale to the

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1 consumer, a deposit beverage intended for use or consumption
2 in Guam.

3 (l) "Deposit Beverage Distributor" means a business
4 licensed in Guam that engages in the sale or distribution of any
5 and all alcoholic and non-alcoholic beverages, juices, flavored
6 drinks, milk, coffee, tea and water in recyclable products to a
7 dealer in Guam, including any manufacturer who engages in
8 such sales and imports and sells such products to either or both
9 consumers and retailers located on either or both federal and
10 private property. "Deposit Beverage Distributor" also means a
11 "Wholesaler."

12 (m) "Deposit Fee" means the amount added to the listed
13 price of a product that the consumer must pay to the dealer or
14 distributor as a deposit for each individual beverage container
15 that has been identified by the Department as recyclable and
16 requiring a deposit. An amount equivalent to at least 80% of the
17 deposit fee shall be returned to the redeemer when the
18 redeemer sells the container to a redemption center. No taxes
19 shall be assessed or collected on deposit fees accepted by

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1 dealers for products approved in this Chapter 44 for recycling
2 purposes.

3 (n) "Escheat" means the deposit fee paid to a dealer or
4 deposit beverage distributor that remains unclaimed and
5 becomes department property.

6 (o) "Import" means to buy, bring, or accept delivery of
7 deposit beverage containers from an address, supplier, or any
8 entity outside of Guam.

9 (p) "Importer" means any person who buys, brings, or
10 accepts delivery of deposit beverage containers from outside of
11 Guam for sale or use within Guam.

12 (q) "List of Approved Containers" means the list
13 compiled the Board of approved containers identified for
14 recycling deposits. Containers may not be placed upon the list
15 unless a process to recycle, reuse, convert to energy, or
16 physically remove containers from Guam has been established
17 or will be established concurrent with placement upon said list.

*

1 (r) "Manufacturer" means every person producing
2 recyclable products including those who package or fill
3 recyclable products for sale to distributors or dealers.

4 (s) "On-premises consumption" means to consume
5 deposit beverages by a consumer immediately and within the
6 area under control of the establishment, including bars,
7 restaurants, commercial passenger vessels, and airplanes.

8 (t) "Person" means an individual, corporation,
9 company, association, partnership, federal agency, or agency of
10 the government of Guam.

11 (u) "Recycling facility" means all contiguous land and
12 structures and other appurtenances, and improvements on the
13 land used for the collection, separation, recovery, and sale or
14 reuse of resources that would otherwise be disposed of as
15 municipal solid waste, and is an integral part of a
16 manufacturing process aimed at producing a marketable
17 product made of post-consumer material whether
18 manufactured locally or produced off-island.

*

1 (v) “Redeemer” means a person, other than a dealer or
2 distributor, who demands at least 80% of the refund value in
3 exchange for an empty deposit beverage container.

4 (w) “Redemption center” means an operation that
5 accepts empty deposit beverage containers from redeemers and
6 provides at least 80% of the refund value for empty deposit
7 beverage containers intended to be recycled and ensures that
8 the empty deposit beverage containers are properly recycled.

9 (x) “Refillable beverage container” means any deposit
10 beverage container, which ordinarily would be returned to the
11 manufacturer to be refilled and resold.

12 (y) “Refund amount” means the amount of the deposit
13 fee refunded to a redeemer, which shall be at least 75% of the
14 total amount of deposit fee paid per container.

15 (z) “Reverse vending machine” means a mechanical
16 device, which accepts one or more types of empty deposit
17 beverage containers and issues coins or a redeemable credit slip
18 with a value not less than the container’s refund value.

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1 (aa) “Wholesaler” means a “Deposit Beverage
2 Distributor.”

3 **§ 44104. Goals for Waste Stream Reduction.** The goal of
4 this Act is to reduce the amount of material in our waste stream
5 by a minimum of five percent (5%) each year from 2010 to 2016,
6 achieving a thirty-five percent (35%) reduction by the year 2016
7 through the practice of waste volume reduction at the source
8 and through recycling. Should a facility or facilities employing
9 combustion of solid waste and refuse-derived fuel with energy
10 recovery (waste-to-energy) become operational in Guam prior
11 to 2016 as a component of an approved comprehensive plan,
12 then waste reduction goals shall increase by an additional five
13 percent (5%) each year, beginning with the first full year that
14 the waste-to-energy plant is in operation.

15 **§ 44105. Deposit Fee.** A deposit fee of not less than five
16 cents (5¢) is hereby levied on each beverage container described
17 in § 44103(d) and sold in Guam for off-premises consumption.
18 Such fee shall be remitted to the department by deposit

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1 beverage distributors, licensed in Guam, which distribute such
2 beverage containers.

3 **§ 44106. Deposit of Beverage Container Recycling**
4 **Deposit Fees.**

5 (a) Deposit Beverage Distributors of beverage containers
6 that meet the conditions described in item (b) of this § 44106
7 shall, on a monthly basis, remit an amount equal to the deposit
8 fee described in § 44105 of this Chapter 44 multiplied by the
9 number of containers that have been purchased on which the
10 deposit is applied, and for which payment has been received by
11 the wholesaler in the previous calendar month. Deposits shall
12 be made in the manner and on the forms prescribed by the
13 department.

14 (b) Types of containers upon which deposit fees shall
15 be levied must be first approved by the Board for placement
16 upon a list of approved containers identified for recycling
17 deposits. Containers may not be placed upon the list of
18 approved containers identified for recycling unless a process to
19 recycle, reuse, convert to energy, or physically remove

*

1 containers from Guam has been established or will be
2 established concurrent with placement upon said list.

3 (d) The Board upon recommendation of the director shall
4 from time to time examine and may elect to increase either the
5 deposit fee or the percentage of the refund value returned to
6 the redeemer or both as provided in § 44109 of this Act.

7 (e) Levy of the deposit fee imposed upon beverage
8 containers shall begin on July 1, 2010, except as may otherwise
9 be provided in this act.

10 **§ 44107. Deposit Beverage Distributors; Registration,**
11 **Recordkeeping Requirements.**

12 (a) By July 1, 2010, All Deposit Beverage Distributors
13 operating in Guam shall register with the Department, using
14 forms prescribed by the Department, and shall notify the
15 Department of any change in address or other information
16 previously submitted. After July 1, 2010, any person who
17 desires to conduct business in Guam as a Deposit Beverage
18 Distributor shall register with the Department no later than one
19 month prior to the commencement of the business.

*

1 (b) All Deposit Beverage Distributors shall maintain
2 records reflecting the manufacture of their beverages in deposit
3 beverage containers as well as the importation and exportation
4 of deposit beverage containers. The records shall be made
5 available, upon request, for inspection by the Department;
6 provided that any proprietary information obtained by the
7 Department shall be kept confidential and shall not be
8 disclosed to any other person, except:

9 (1) As may be reasonably required in an
10 administrative or judicial proceeding to
11 enforce any provision of this chapter or any
12 rule adopted pursuant to this chapter; or

13 (2) Under an order issued by a court or
14 administrative agency hearings officer.

15 **§ 44108. Beverage Container Recycling Deposit Fund.**

16 (a) There is within the Government of Guam and under
17 the control of the Department a Beverage Container Recycling
18 Deposit Fund, which is hereby created, into which the proceeds
19 from recycling deposit fees as provided in §44105 of this act are

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1 deposited, and in which all interest earned by the Beverage
2 Container Recycling Deposit Fund shall accrue.

3 (b) The Beverage Container Recycling Deposit Fund shall
4 be administered separate and apart from any other fund of the
5 Government and shall not be subject to any transfer authority
6 of the Governor or appropriation by the Legislature except as
7 provided in this Chapter 44.

8 (c) The funds remitted into the Beverage Container
9 Recycling Deposit Fund shall be used only for the following
10 purposes:

- 11 (1) Reimbursements to Redemption Centers of
12 amounts refunded to redeemers;
- 13 (2) Expenses related to administer the provisions
14 of this Chapter 44;
- 15 (3) Funding of administrative, audit, and
16 compliance activities associated with
17 collection and payment of the deposits of the
18 Beverage Container Recycling Deposit Act;

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1 (4) Conducting of recycling education and
2 demonstration projects; and

3 (5) Promotion of recycling related activities.

4 **§ 44109. Beverage Container Recycling Deposit Payout.**

5 (a) For each empty beverage container approved for
6 recycling deposits under § 44105 (c) and brought to a
7 redemption center, Eighty percent (80%), or four cents (4¢) shall
8 be returned to the redeemer for each empty beverage container.
9 Payouts to redeemers shall begin on October 1, 2010.

10 (e) A person operating a redemption center may compact
11 empty metal beverage containers with the approval of the
12 recycling facility required to accept the containers.

13 **§ 44110. Audits.** The Office of the Public Auditor shall
14 conduct a management and financial audit of the program
15 beginning in fiscal year 2011, and for each fiscal year thereafter
16 ending in an even number. The costs incurred by the auditor
17 for the audit shall be reimbursed by the Beverage Container
18 Recycling Deposit Fund. The auditor may contract the audit
19 services of a third party to conduct the audit.

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1 **§44111. Redemption Centers.**

2 (a) To facilitate the return of empty beverage containers,
3 and subject to the approval of the Department and appropriate
4 business licensing, any person may establish a redemption
5 center at which consumers may return empty beverage
6 containers and receive payment of the refund value of such
7 beverage containers. Refunds may be based on number or
8 weight of deposit beverage containers.

9 (b) An application for approval of a Redemption Center
10 shall be filed with the Department. The application shall state
11 the name and address of the person responsible for the
12 establishment and operation of the Redemption Center, the
13 kind of beverage containers that will be accepted at the
14 Redemption Center, and the names of the distributor or
15 distributors that will be handling and exporting their
16 recyclables, if different from the name of the operator of the
17 Redemption Center. The application shall contain such other
18 information as the administrator may reasonably require.

*

1 (c) The Department shall approve a Redemption Center if
2 it finds that the Redemption Center will provide a convenient
3 service to consumers for the return of empty beverage
4 containers. The order of the Department approving a
5 Redemption Center shall state the kind of empty beverage
6 containers that the Redemption Center must accept. The order
7 may contain such other provisions to insure that the
8 Redemption Center will provide a convenient service to the
9 public as the administrator may determine. Applicants shall be
10 appropriately licensed to conduct business in Guam by the
11 Department of Revenue and Taxation.

12 (d) The Department may review the approval of any
13 Redemption Center at any time. After written notice to the
14 person responsible for the establishment and operation of the
15 Redemption Center, the Department may, after hearing,
16 withdraw approval of a Redemption Center if the Department
17 finds there has not been compliance with the Department's
18 order approving the Redemption Center, or if the Redemption
19 Center no longer provides a convenient service to the public.

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1 (e) All approved Redemption Centers shall meet
2 applicable health standards and shall be maintained in full
3 compliance with applicable laws and with the orders and rules
4 of the department, including permitting requirements.

5 (f) Redemption centers shall:

- 6 (1) Accept all types of empty deposit beverage
7 containers for which a deposit has been paid;
- 8 (2) Pay to the redeemer the full refund value in
9 either cash or a redeemable voucher for all
10 deposit beverage containers;
- 11 (3) Remain open at least thirty hours per week, of
12 which at least five hours shall be on Saturday
13 or Sunday; and
- 14 (4) Forward the documentation necessary to
15 support claims for payment as stated in §
16 44114 of this Chapter 44.

17 (g) The Department shall prepare printed material to be
18 posted at dealer locations in conspicuous areas identifying the

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1 location of approved Redemption Centers and specifying what
2 type of recyclable materials may be deposited at each center.

3 (h) All Redemption Centers shall submit to the
4 department the following information on forms and on dates
5 prescribed by the department, which information shall include
6 at a minimum:

7 (1) The number or weight of deposit beverage
8 containers of each material type accepted at
9 the redemption center for the reporting
10 period; and

11 (2) The amount of refunds paid out by material
12 type.

13 **§ 44112. Acceptance of Containers.** A redemption center
14 shall not refuse to accept from a consumer any empty beverage
15 container described in § 44103 (d), or refuse to pay to the
16 consumer the refund value of a beverage container as provided
17 in § 44109, except for the following reasons:

18 (1) The deposit beverage container is broken,
19 corroded, or dismembered;

*

1 (2) The deposit beverage container contains a
2 free-flowing liquid;

3 (3) The deposit beverage container holds a
4 significant amount of foreign material; or

5 (4) The deposit beverage container appears to
6 have been previously processed and baled.

7 **§ 44113. Deposit Beverage Distributor to Collect and**
8 **Remit Container Deposits.** Deposit Beverage Distributors
9 licensed in Guam that meet the conditions described in items 1
10 through 3 below shall, on a monthly basis, remit an amount for
11 deposits for such beverage containers as described pursuant to
12 this Chapter equal to the amount of the deposit as described in
13 § 44105 (a) and (b) of this Chapter 44, in the manner and on the
14 forms developed by the Department, payable to the Beverage
15 Container Recycling Deposit Fund, and subject to the
16 requirements of the Department.

17 (1) Condition 1: The Deposit Beverage
18 Distributor licensed in Guam distributes
19 beverages that may include any and all

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1 alcoholic and non-alcoholic beverages, juices,
2 flavored drinks, milk, coffee, tea and water;
3 and

4 (2) Condition 2: Any of the beverages distributed
5 are in containers that have been identified by
6 the Guam Environmental Protection Agency
7 as that which can be recycled pursuant to §
8 44112 of this chapter; and

9 (3) The business is a distributor in Guam of any
10 such beverage product for sale to customers
11 by retailers located on both federal and
12 private property to both military and local
13 retailers.”

14 **§ 44114. Redemption Centers’ Claims for**
15 **Reimbursement and Reporting Requirements.**

16 (a) Claims for reimbursements of refund amounts paid
17 out by Redemption Centers shall be made by Redemption
18 Centers in the manner, on the forms, and in the frequency
19 specified by the Department.

*

1 (b) The department shall pay certified redemption centers
2 refund values as described in § 44109 of this Chapter 44, based
3 on collection reports submitted by the redemption centers. All
4 redemption centers shall submit to the department the
5 following information on forms prescribed by the department,
6 which information shall include at a minimum:

- 7 (1) The number or weight of deposit beverage
8 containers of each material type accepted at
9 the redemption center for the reporting
10 period;
- 11 (2) The amount of refunds paid out by material
12 type; and
- 13 (3) The number or weight of deposit beverage
14 containers of each material type to be
15 transported to a permitted recycling facility.

16 **§ 44115. Deposit Beverage Container Requirements.**

17 (a) Except as provided in (b) and (c) of this § 44115,
18 effective on September 1, 2011, every deposit beverage
19 container sold in Guam shall clearly indicate the refund value

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1 of the container and the word "Guam" or the letters "GU." The
2 names or letters representing the names of other states or
3 jurisdictions with comparable deposit legislation may also be
4 included in the indication of refund value. The refund value on
5 every deposit beverage container shall be clearly, prominently,
6 and indelibly marked by painting, printing, scratch embossing,
7 raised letter embossing, or securely affixed stickers and shall be
8 affixed on the top or side of the container in letters at least one-
9 eighth inch in size.

10 (b) Subsection (a) of this § 44115 shall not apply to any
11 type of refillable glass deposit beverage container that has a
12 brand name permanently marked on it and that has the
13 equivalent of a refund value of at least 5 cents, which is paid
14 upon receipt of the container by a dealer or deposit beverage
15 distributor.

16 (c) Containers that do not meet the definition of a deposit
17 beverage container, as specified in § 44103 (c) of this Chapter
18 44, shall not indicate "Guam" or "GU" on the container.

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1 **§ 44116. Responsibility of Dealers.** Dealers who are not
2 redemption centers shall post a clear and conspicuous sign at
3 the primary public entrance of the dealer's place of business
4 that specifies the name, address, and hours of operation of the
5 closest Recycling Redemption Center location(s).

6 Businesses that sell deposit beverages for on-premises
7 consumption, such as hotels, bars, and restaurants, shall collect
8 used deposit beverage containers from the patron and either
9 use a certified redemption center for the collection of containers
10 or become a Recycling Redemption Center.

11 **§ 44117. Reverse Vending Machine Requirements.**
12 Reverse vending machines may be used by Recycling
13 Redemption Centers to satisfy the requirements of this Chapter
14 44, provided that the reverse vending machine shall accept one
15 or more types of empty deposit beverage containers and shall
16 pay out appropriate refunds as coins or via a redeemable credit
17 slip with a value not less than the refund value of the container
18 or containers being redeemed. Reverse vending machines shall
19 be routinely serviced to ensure proper operation and

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1 continuous acceptance of empty deposit beverage containers
2 and payment of the refund value.

3 **§ 44118. Rules to be Adopted.**

4 (a) The Board shall convene an advisory committee to
5 assist in the development of all rules needed to implement this
6 Chapter 44. Members of the committee shall assess the impact
7 on consumers, recyclers, the military, and the beverage
8 industry. Members of the committee shall be appointed by the
9 administrator and shall serve at the administrator's pleasure. A
10 simple majority of the committee members shall constitute a
11 quorum for the purposes of recommending rules and providing
12 input to the Board.

13 (b) The Board may adopt rules pursuant to this chapter 44
14 as may be necessary to carry out its provisions. Amendments to
15 such Rules may be considered and adopted from time to time
16 to replace or supplement such rules as may be in existence, to
17 include:

18 (1) Identifying items to be recycled in addition to
19 beverage containers;

*

- 1 (2) Establishing or revising appropriate deposit
2 fees and refund values;
- 3 (3) Regulating redemption centers and the
4 redemption process for recyclable items; and
- 5 (4) Establishing and revising appropriate forms
6 and procedures to reimburse Redemption
7 Centers applying for refund amounts.”

8 **§ 44119. Military Cooperation.** The provisions of
9 this Chapter 44 relative to beverage container recycling deposit
10 fees shall not be implemented, and deposits as defined in this
11 Chapter 44 shall not be assessed or collected on beverage
12 containers until the Government of Guam and the U.S. Navy
13 and U.S. Air Force commands in Guam shall have established a
14 voluntary agreement in writing that provides for such deposit
15 fees to be assessed and collected throughout Guam, including
16 all locations both on and off federal property, in the manner
17 described in such voluntary agreement. Assessment and
18 collection of deposit fees on beverage containers shall continue

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1 only for the period of time that such voluntary agreement is in
2 effect.”

3 **Section 3. A new §76220 is added to Chapter 76 Article 2 of**
4 **Title 11 Guam Code Annotated to read:**

5 **“§76220. Recycling Redemption Center Endorsements.**

6 An endorsement for a Recycling Redemption Center must be
7 obtained by any person who engages in the business of
8 receiving recyclable products and remitting a portion of deposit
9 fees to redeemers. Such required endorsement is approval by
10 the Guam Environmental Protection Agency pursuant to
11 Chapter 44 of Title 10 Guam Code Annotated.”

12 **Section 4. Effective Dates.** The provisions of this Act shall take
13 effect as follows:

14 (a) Section 2, §§ 44105, 44106 and 44107 shall take effect
15 twelve (12) months after the effective date of the voluntary agreement
16 described in Title 10 GCA Chapter 44 § 44119.

17 (b) Section 2, § 44109 and § 44110 shall take effect fifteen (15)
18 months after the effective date of the voluntary agreement described
19 in Title 10 GCA Chapter 44 § 44119 .

*

1 (c) Section 2, § 44114 shall take effect twenty-four (24)
2 months after the effective date of the voluntary agreement described
3 in Title 10 GCA Chapter 44 § 44119.”

4 **Section 5. Severability.** If any provision of this Law or its
5 application to any person or circumstance is found to be invalid or
6 contrary to law, such invalidity shall not affect other provisions or
7 applications of this Law which can be given effect without the invalid
8 provisions or application, and to this end the provisions of this Law
9 are severable.

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I Mina'Trenta Na Libeslaturan Guåhan

30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910

SIGN-IN SHEET PUBLIC HEARING

Monday, July 19, 2010 – 9:00 AM
Public Hearing Room • Hagåtña, Guam

Bill No. 149 (COR) – TR Muña Barnes – “An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the "Guam Beverage Container Recycling Deposit Act" and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	PHONE NUMBER	EMAIL ADDRESS
Pat Nichols	Recycling Assoc of Guam	Support		
Cathleen Moore-Linn	UOG Green Army	Support		
Brad Dunagan	Deputy Admin, Guam EPA	Support		
Louise Toves	UOG Green Army	Support		
Peter Cruz	Guam EPA			
Gerry Cruz	Guam EPA			

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRMAN
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

Committee Report on
Bill No. 149 (COR) As Substituted
(Sponsor: T.R. Muña Barnes)

“An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the “Guam Beverage Container Recycling Deposit Act” and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”

WRITTEN
TESTIMONIES
SUBMITTED



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 14 2010

OFFICE OF THE
REGIONAL ADMINISTRATOR

Senator Tina Rose Muna-Barnes
Committee on Municipal Affairs,
Aviation, Housing and Recreation
155 Hessler Place
Hagatna, Guam 96910

Re: Guam Beverage Container and Recycling Act of 2010

Dear Senator Muna-Barnes,

As Regional Administrator for the U.S. Environmental Protection Agency, I recently had the opportunity to visit Guam, which helped me appreciate even more the incredible beauty and critical importance of your fragile ecosystems, as well as the unique challenges you face as an island community. Those challenges include strategically managing solid waste while protecting and preserving island habitats and resources.

A strong recycling program can be a key tool in support of a solid waste management strategy. It can also create jobs, build more competitive manufacturing industries and strengthen our economy. In addition, recycling reduces greenhouse gases and saves energy by reducing the need to extract and process "virgin" raw materials to manufacture new products. A recent U.S. Recycling Economic Information Study found that the recycling and reuse industry "represents a significant force in the U.S. economy and makes a vital contribution to job creation and economic development." The study shows the recycling and reuse industries consist of 56,000 establishments that employ over 1.1 million people, generate an annual payroll of nearly \$37 billion and gross over \$236 billion in annual revenue.

Bottle bills can play a significant role in increasing community recycling rates and reducing the impacts of litter, and provide an environmentally beneficial alternative to landfilling. The refund value of the container provides both the monetary incentive to return the container as well as critical infrastructure funding. Comparisons among different funding mechanisms indicate that beverage container deposit legislation can significantly increase consumer participation and container recovery without requiring substantial municipal government funding or staff oversight.

EPA encourages the implementation of programs that raise awareness of and participation in recycling as an important strategy to protect the environment and promote economic development. Please do not hesitate to contact me, or have your staff contact Eileen Sheehan at 415 972-3287 to provide technical assistance in your efforts to support environment protection in Guam.

Sincerely,



Jared Blumenfeld

cc: Governor Felix P. Camacho
Lorilee T. Crisostomo, Administrator Guam EPA

Office of the Legislative Secretary
Senator Tina Rose Marie Barnes
Date 6-21-10
Time 3:36 PM
Received by [Signature]



GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

FELIX P. CAMACHO
GOVERNOR OF GUAM

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

MICHAEL W. CRUZ
LT. GOVERNOR OF GUAM

Testimony of
Bradley Dunagen
Acting Administrator, Guam Environmental Protection Agency
Before the Committee on Rules, Natural Resources, and Federal,
Foreign & Micronesian Affairs

Hearing on Bill 149 (COR): AN ACT TO ADD A NEW CHAPTER 44 TO TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE "GUAM BEVERAGE CONTAINER RECYCLING DEPOSIT ACT" AND TO ESTABLISH A BEVERAGE CONTAINER RECYCLING DEPOSIT FUND SEPARATE AND APART FROM ALL OTHER FUNDS WITHIN THE GOVERNMENT OF GUAM, AND TO REQUIRE THE CONFIRMATION OF THE VOLUNTARY COOPERATION OF MILITARY COMMANDS WITH THE GUAM BEVERAGE CONTAINER RECYCLING PROGRAM PRIOR TO ASSESSMENT AND COLLECTION OF ANY BEVERAGE CONTAINER DEPOSIT FEES; TO ADD NEW § 76220 TP CHAPTER 7 ARTICLE 2 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ENDORSEMENT OF BEVERAGE CONTAINER RECYCLING REDEMPTION CENTERS; AND TO STATE THE EFFECTIVE DATES FOR CERTAIN SUBSECTIONS OF SECTION 2 OF THIS ACT.

July 19, 2010

The Guam Environmental Protection Agency supports Bill 149(COR) as it seeks to establish a Beverage Container Deposit and Redemption Center Program in cooperation with the United States Military facilities on Guam and promote a sustainable mechanism to encourage recycling.

The "bottle bill" will assist in reducing the impacts of litter, by providing an alternate means of disposing recyclable beverage containers from our dump and new landfill. In addition, it will create beneficial economic opportunities by promoting a sound solid waste management strategy for our community.

Guam Environmental Protection Agency (Guam EPA) has been a frontrunner in recycling by implementing and supporting programs

within Government of Guam and our island community: GovGuam Recycles, Hasso Guam, Qualified Recycling Program Management, First Lady's START to name a few.

With the impending military build up and the increase of our islands population, the bottle bill fulfills an important component and integrated approach in protecting for the health of our residents and preservation of our fragile environment.

Guam EPA appreciates the opportunity to comment and would like to participate in dialogue to address details on the finalization of this bill.



BRADLEY DUNAGEN
Acting Administrator

<joe.duenas@dpr.guam.gov>, Dianne Strong <strong@guam.net>, Kim & Mike Smith <guamdiver1@hotmail.com>, Mitchell Warner <mpw61145@hotmail.com>, Brent Tibbatts <brent.tibbatts@gmail.com>, Cindy Hanson <cmhanson@guam.net>, Annette.donner@fe.navy.mil, Alfred Ysrael <alfredy@tanota.com>, Monty McDowell <monty.mcdowell@amiguam.com>, Tom Barcinas <tomike@teleguam.net>, Tom Polevich <ctpol@yahoo.com>, Sarah and Joe Vinch <jsvinch@gmail.com>, Marty Beline <mb_jr@hotmail.com>, Jim Pinson <gmi@guamcell.net>, Ron Legrande <ronlegrande@hotmail.com>, Bill Phillips <phillipsguam@gmail.com>, tobiasonp@teleguam.net, viquibaby@yahoo.com, sarahthn@gmail.com, goggsi@ite.net

I just got back from visiting relatives in the Netherlands where there is a refundable deposit on all types of bottles of 25 Euro cents each. Refunds are made at the store by inserting the empty in a machine that prints out a receipt to be redeemed at the check-out cashier. Easy!

Regards,

Berrie Straatman

[Quoted text hidden]

Bert Unpingco <bertunpingco@yahoo.com>

Tue, Jul 13, 2010 at 11:09 PM

To: Senator Tina Muña Barnes <tinamunabarnes@gmail.com>

Cc: Dave Tydingco <dave@chamorro.net>, Gerry Perez <geap43@yahoo.com>, ERNIE GALITO <egalito@visitguam.org>, BERT UNPINGCO <bertunpingco@yahoo.com>

Hafa Adai! Senator Tina Barnes,

I am in support of BILL 149, BOTTLE BILL. Over 40 States & Territories now have gone on record in support of the Bill Bill. The bottles and cans on the highways have prevented Guam from becoming a world class tourist destination, even though we have upgraded our Airport and the beautiful hotels and restaurants we now have.

I have asked the GVB Board and Management to please prepare a strong support for the Record for BILL 149, BOTTLE BILL. God willing I shall be there to support your efforts to Keep Guam Clean.

Remember, whatever we do to make our Island of Guam, a good place to live, to work, to play, and safer, it is the same atmosphere that attracts quality tourism.

I have now accumulated 50 years of experience in the tourist industry. I have visited all 50 States and over 100 countries and the great destinations are those that are clean and beautiful. There are no exceptions!

For your information, this year, 2010, Guam Visitors Bureau celebrates its 40 years of service to the people Guam. It means that we have matured as a promotion agency and has matured aslo as a tourist destination. Now is the time to something about upgrading status or conditions of our tourism plant. We have not done much in ten hears about adding to or upgrading the already developed facilities and services. Guam's tourism potential is great! We have reached only about 10% of our potentials in income from tourism. Are our satisfied with the benefits of tourism, income or employments? I don't think so.

Anyway, thank you for what you are doing in support of tourism for Guam and its people. May God Bless You and All the Senators who understand and support tourism.

You will hear more about this during the Public Hearing. Please contact contact our Acting General Manager Ernie Galito to submit early GVB's position on the Bottle Bill. Our GM is off-island on leave.

BERT REYES UNPINGCO

Mr. Guam Tourism
Tel: (671) 472-8725
Cell: (671) 482-8725
P.O. Box 130
Hagatna, GU 96932

--- On Mon, 7/12/10, Senator Tina Muña Barnes <tinamunabarnes@gmail.com> wrote:

From: Senator Tina Muña Barnes <tinamunabarnes@gmail.com>
Subject: Public Hearing for Bill 149, Bottle Bill.
To: recycleguam@ballisteelguam.com, islandwm@ite.net, ezdewitt@dewittguam.com,
kmiranda@mrrubbishman.com, zip@guam.net, "Cole Onguam" <guam_diving_is_gr8@yahoo.com>,
islandgirlpower@yahoo.com, cmoore@uquam.uog.edu, "Linda Tatreau" <lindian@ite.net>,
me_loverly@hotmail.com, giordon@gmail.com, "Straatmans" <bernene@hawaiiantel.net>, "Joseph
Strang" <jkchristopher@gmail.com>, marilyn@guam.net, guamboyscouts@gmail.com, "Tammy Jo
Anderson Taft" <tammyjoanderson.taft@gmail.com>, "Elaina Todd" <elainatodd@gmail.com>, "Bert
Unpingco" <bertunpingco@yahoo.com>, "Joe Duenas" <joe.duenas@dpr.guam.gov>, "Dianne Strong"
<strong@guam.net>, "Kim & Mike Smith" <guamdiver1@hotmail.com>, "Mitchell Warner"
<mpw61145@hotmail.com>, "Brent Tibbatts" <brent.tibbatts@gmail.com>, "Cindy Hanson"
<cmhanson@guam.net>, Annette.donner@fe.navy.mil, "Alfred Ysrael" <alfredy@tanota.com>, "Monty
McDowell" <monty.mcdowell@amiguam.com>, "Tom Barcinas" <tomike@teleguam.net>, "Tom Polevich"
<ctpol@yahoo.com>, "Sarah and Joe Vinch" <jsvinch@gmail.com>, "Marty Beline"
<mb_jr@hotmail.com>, "Jim Pinson" <gmi@guamcell.net>, "Ron Legrande"
<ronlegrande@hotmail.com>, "Bill Phillips" <phillipsguam@gmail.com>, tobiasonp@teleguam.net,
viquibaby@yahoo.com, sarahtn@gmail.com, goggsi@ite.net
Date: Monday, July 12, 2010, 9:14 PM

[Quoted text hidden]



Stephanie Mendiola <sem@guamlegislature.org>

Re: Bottle Bill 149

Rory J. Respicio <roryforguam@gmail.com> Fri, Jul 16, 2010 at 12:36 AM
To: Will Calori <will.calori@gmail.com>
Cc: "tinamunabarnes@gmail.com" <tinamunabarnes@gmail.com>, Stephanie Mendiola <sem@guamlegislature.org>

We will be sure to include this as testimony for Bill 149-30.

Thank you, Will for your participation.

Rory

Rory J. Respicio
Senator
30th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910
T: 671.472.7679 F: 671.472.3547
E: roryforguam@gmail.com

Please consider the environment before printing this e-mail.

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Sent from my iPad

On Jul 15, 2010, at 9:21 PM, Will Calori <will.calori@gmail.com> wrote:

Senators Barnes and Respicio,

I'm unable to attend the public hearing to support the bottle bill, but would like to share my support of Bottle Bill 149. Because of our remoteness and small market, this is probably the only we may ever enact a substantive recycling program for bottles and aluminum. From what I've seen in Hawaii, this type of program works. Thank you for your efforts to create a more sustainable Guam.

p.s. Please do not add my email to any distribution or solicitation lists.

Will Calori
Mangilao



Chelsa Brecht <cmunabrecht@guamlegislature.org>

Fwd: My family supports the bottle bill; Bill 149

1 message

Senator Tina Muña Barnes <tinamunabarnes@gmail.com>
To: Chelsa Muña-Brecht <cmunabrecht@guamlegislature.org>

Fri, Jul 16, 2010 at 4:28 PM

----- Forwarded message -----

From: **Lorraine T. Frohman** <monkey1822@teleguam.net>
Date: Wed, Jul 14, 2010 at 11:05 PM
Subject: My family supports the bottle bill; Bill 149
To: tinamunabarnes@gmail.com

Hafa Adai and Good evening Senator Barnes,

Please accept this email as a written testimony of my family's support for Bill #149 also known as "The Bottle Bill".

I was born and also grew up on this beautiful island and love it very much. The people and just the overall feeling of being on the island is just so captivating that you can't help but love it. My children also love it and wish we could live here forever. But, they are saddened when they see their favorite beach littered with beverage containers and trash.

Times have changed and so have many of the people coming through the island. There are quite a lot of people that do really love the island and have respect for the island that they take the extra steps needed to dispose of the trash that they produce. They do this by driving around to drop off their items at local recycling centers or even pick up the trash that is "accidentally" left behind by others. Then, there are those that really don't care and they decided that they don't need to take care of the island for one excuse or another. So they either "accidentally" leave their trash on the side of the road or on the beach or even parking lots. People seem to be interested in only the things that could benefit them at their convenience. If there were a deposit on the beverage containers this would be an incentive for people not to just throw them out.

Everyone has felt the crunch of the economic fall, and if people see that they could possibly get a few extra dollars if they exchange their beverage containers instead of throwing them



Chelsa Brecht <cmunabrecht@guamlegislature.org>

Bottle Bill PUBLIC HEARING

uguam.uog.edu-kjohnson@teleguam.net <uguam.uog.edu-kjohnson@teleguam.net>

Sun, Jul 18, 2010 at 5:01 AM

To: "\"Chelsa Muña-Brecht\"" <cmunabrecht@guamlegislature.org>

Chelsa, i am in alaska right now and will not be there to support in person... I do want to express my complete support of this bill. This is a no brainer to me and to many others. Most places in the US and in Europe have had this for decades now. Guam needs to get with the program and move forward. Whatever obstacles need to be leveled and we need to move forward as a community. Please convey to Tina my support and encouragement. Warmly Dr Johnson

[Quoted text hidden]



DEPARTMENT OF THE NAVY
COMMANDER, JOINT REGION MARIANAS
PSC 455, BOX 152
FPO AP 96540-1000

5000
Ser 00/0451
16 July 2010

Honorable Rory J. Respicio
155 Hesler Street
Hagatna, GU 96910

Dear Senator Respicio:

**SUBJECT: BEVERAGE CONTAINER RECYCLING DEPOSIT ACT; LEGISLATIVE BILL
30-149**

Thank you for your letter of July 13, 2010, inviting me to provide testimony on Bill 149-30 entitled "Guam Beverage Container Deposit Recycling Act."

While I appreciate the opportunity to comment, I do not think it appropriate to take a position for or against the proposed legislation. It is better left to the political processes of Guam to determine whether to enact into law a matter of local concern.

However, as I have discussed previously with Senator Muna-Barnes, should the provision be enacted into law, I give my commitment to work toward the military's meaningful participation in the program. Participation by the base exchanges and commissaries requires a cooperative effort of various off-island military procurement offices. I will continue to work with these commands toward full participation.

Sincerely,

A handwritten signature in black ink that reads "P. J. Bushong".

P. J. BUSHONG
Rear Admiral, U.S. Navy



Chelsa Brecht <cmunabrecht@guamlegislature.org>

Bottle Bill PUBLIC HEARING

James Stith <p05@ite.net>

Fri, Jul 16, 2010 at 2:27 PM

To: Senator_Respicio_28 Respicio <rorforguam@gmail.com>, Chelsa Muña-Brecht <cmunabrecht@guamlegislature.org>

Yes!

I and all clear thinking environmentally concerned individuals fully support a bottle bill.

I was on the original committee over ten years ago in an attempt to legislate this issue.

More and more I see a growing environmental awareness among our leaders. Keep up the good work!

I might add that when I first introduced local noni juice to the island in 1999, I offered \$1.00 off the next purchase for return of the empty bottle. I still encourage and accept the return of empty bottles from all customers, and still offer the discount for repeat customers.

All business people need to realize how important it is to give back a little for the bounty we receive from the planet.

Respectfully,
James Stith
Star Seed Gardens
Santa Rita, Guam
Home of JC Noni

Hafa Adai!

[Quoted text hidden]

<Press Release Bottle Bill Public Hearing.pdf>



Tina Muna Barnes <tinamunabarnes@gmail.com>

Bottle Bill

1 message

Maria Kottermair <marylooh@gmx.de>
To: tinamunabarnes@gmail.com

Wed, Jul 14, 2010 at 7:51 AM

Dear Senator Tina,

I am happy to hear that you are working on the Bottle Bill again. I am in full support of it. I have seen the benefits from it since living in Germany where we always - or at least as long as I can remember - had a bottle bill. It may take some time for some people to get used to it and some may not like it but it needs to be done. It will benefit the island greatly. I want to thank you for your good work on this issue.

Regards,
Maria Kottermair

--
GRATIS für alle GMX-Mitglieder: Die maxdome Movie-FLAT!
Jetzt freischalten unter <http://portal.gmx.net/de/go/maxdome01>



Tina Muna Barnes <tinamunabarnes@gmail.com>

I support the bottle bill

2 messages

chris green <flyhical@yahoo.com>

Tue, Jul 13, 2010 at 10:01 PM

To: tinamunabarnes@gmail.com

Cc: Diana Valadez Green <dvalaverde@yahoo.com>, Paul Tobiason <tobiasonp@teleguam.net>

To whom it concerns,

This bottle bill is a long time coming for Guam and is standard in the states. It is essential, and the responsible thing to do for Guam. Anything up to 10 cents is more than fair and will do Guam much good as we move forward with our dramatic population increase in the coming years and with little to no affect on retail to the consumers. We must do everything we can to encourage recycling, especially on a an island where our resources and space are limited. Please show that I am in full support for this bottle bill. Thank you for pursuing an extremely valuable and MUST DO bill.

Sincerely,

Christopher Green
Resident... Chalan Pago, Guam

flyhical@yahoo.com

Paul Tobiason <tobiasonp@teleguam.net>

Wed, Jul 14, 2010 at 9:58 AM

To: Senator_Tina_Barnes <tinamunabarnes@gmail.com>, Sen_Tina_Bill_Phillips <phillips-guam@excite.com>

You may already have this. Just resending it so you can include it as support testimony.
Thanks, Paul T.

----- Original Message -----

Subject: I support the bottle bill**Date:** Tue, 13 Jul 2010 05:01:15 -0700 (PDT)**From:** chris green <flyhical@yahoo.com>**To:** tinamunabarnes@gmail.com**CC:** Diana Valadez Green <dvalaverde@yahoo.com>, Paul Tobiason <tobiasonp@teleguam.net>

[Quoted text hidden]



Tina Muna Barnes <tinamunabarnes@gmail.com>

I support the Bottle Bill

1 message

Diana Valadez <dvalaverde@yahoo.com>

Tue, Jul 13, 2010 at 11:39 PM

To: tinamunabarnes@gmail.com

To whom it may concern,

I am in full support of the Bottle Bill. I feel it is a giant leap forward in promoting recycling on this island and keeping unnecessary waste out of our landfill.

I am always bothered to see the cases of bottled water, sodas, etc., that are sold at businesses and thinking that probably 99% of these bottles end up in our landfill. It would not hurt the businesses to if a 10 cent deposit were put on the bottles. People will continue to shop for water, sodas, etc. This is Guam, it is HOT here, people are always buying things to drink! If anything, it would be good for consumers to make some money back by recycling the bottles, and it would be better for our environment by keeping the bottles out of our landfill!

We are fortunate that many of our island residents & businesses have gotten involved in recycling and now it has become second nature for them to dispose of that aluminum can somewhere where it can make them a bit of money and help the environment at the same time. I know that people will adopt the practice of turning in the plastic bottles for the 10 cent deposit more easily, as it has a higher payback. We all will be keeping Guam cleaner and greener by adopting this easy practice.

I can't stress enough the importance of this issue, especially with the military buildup coming in the next few years. Please show that I am in FULL SUPPORT of this bottle bill. Thank you, Senator Muna Barnes, for pursuing such an important issue that will benefit all of Guam's people today and in the future.

Sincerely,

Diana Valadez Green
Resident
Chalan Pago, Guam
dvalaverde@yahoo.com
671-687-0580



4361 Keystone Ave.
Culver City, CA 90232
Telephone: (310) 559-7451
www.container-recycling.org

July 07, 2010

Senator Tina Rose Muña-Barnes
Committee on Municipal Affairs, Aviation, Housing and Recreation
155 Hessler Place
Hagatna, Guam 96910

Dear Senator Muña-Barnes,

RE: Guam Beverage Container and Recycling Act of 2010

On behalf of the Container Recycling Institute, we are writing **to express our support for HB 149** (Muña-Barnes), which would establish a deposit on beverage containers. The deposit would be initiated by beverage wholesalers/distributors, and would be passed on to the retailers, and then on to consumers. For retailers, the deposit is a pass-through amount, because they charge to consumers the same amount that they pay to wholesalers. From the consumer point-of-view, the deposit can be fully refunded to them when they turn in beverage containers for recycling. The deposit therefore provides an incentive for consumers to recycle, and it has been proven to be a remarkably effective incentive in programs around the world.

Modern container deposit laws are proven to be highly effective, low-cost, equitable, and supported by the general public. A recent public opinion poll on container deposit legislation in the State of Tennessee found that **public support was over 80%**.

Container Deposit Programs Achieve the Highest Recycling Rates for Beverage Containers

- Nationwide, the recovery rates for beverage containers are 70% to 97% in states with Container Deposit Legislation (CDL). These include Hawaii, with a 79% recycling rate, California at 82%, Iowa at 93%, and eight other states with such laws. In States without Container Deposit Laws, the recycling rate for beverage containers averages only 25%.
- There are also Container Deposit Laws in twelve Canadian Provinces and thirteen other countries that all have high recycling rates.

Beverage Container Deposit Laws Reduce Litter

- Other recycling programs address the need for recycling, but don't provide a mechanism to reduce litter. Container deposit laws place a value on beverage containers, which encourages the public to pick up the beverage containers and turn them in to receive the redemption value.
- Without container deposit laws, many beverage containers will become litter, fouling the waterways and beaches of Guam, and ultimately becoming debris in the ocean and a hazard to sea life. These littered items add to the costs of local government, including costs to pick up litter and clean litter out of storm drains. In states without container deposit legislation, beverage containers comprise up to 40% of all litter.

Container Deposit Laws Create Green Jobs and a Shift of Recycling Costs from Government to Consumers and Producers

- Recycling programs create four to ten times as many jobs as disposal and incineration; these jobs are local and affect the residents of Guam directly.
- The materials that are collected have scrap value, and the recycling of these materials will infuse new dollars into the local community.
- Under a container deposit law, costs of collection and recycling are borne only by the producers and consumers of beverage containers. This is in contrast to the current system, which spreads costs among all ratepayers and taxpayers, whether they consume packaged beverages or not.

Beverage Container Recycling Saves Energy and Reduces Greenhouse Gas Emissions

- Beverage container recycling saves energy, natural resources, and reduces the production of toxic chemicals in the manufacturing process. Recycling significantly diminishes all of the inputs needed to make the replacement product from virgin materials.
- With energy savings comes a reduction in greenhouse gas production. Recycling 90 percent of all beverage containers would contribute to 1 percent of our nation's 2020 greenhouse gas reduction goal.

CRI is a nonprofit organization that studies and promotes policies and programs that increase recovery and recycling of beverage containers, and shift the societal and environmental costs associated with manufacturing, recycling and disposal of container and packaging waste from government and taxpayers to producers and consumers. CRI plays a vital national role in educating policy makers, government officials and the general public regarding the societal and environmental impacts of the production and disposal of beverage containers and the need for producers to take responsibility for their packaging. Please contact me with any questions you may have.

Sincerely,



Susan V. Collins
Executive Director
Container Recycling Institute

Cc: Governor Felix P. Camacho
Lorilee T. Crisostomo, Administrator Guam EPA



Tina Muna Barnes <tinamunabarnes@gmail.com>

Bottle Bill

1 message

Linda Tatreau <lindian@ite.net>

Tue, Jul 6, 2010 at 5:53 AM

To: Senator Tina Muña Barnes <tinamunabarnes@gmail.com>

Cc: Camacho Marquisha <me_lovely@hotmail.com>, Weathington Giordon <giordon@gmail.com>, Quinata Tom <tiquinata@mail.gov.gu>

Hi Senator Tina.

I teach Marine Biology at GWHS. I have a few very enthusiastic students who would like to help.

Giordon is willing to testify. Marquisha would like to circulate petitions. Marquisha also requested the data from the International Coastal Clean-ups. I have included the data from 2002-2009 for plastic and glass bottles, and beverage cans.

I will be off-island for three weeks beginning Thursday. I will submit written testimony.

Good Luck. We really need this.

Linda Tatreau

	sites	plastic	glass	cans
2009	16	8,110	8,751	21,358
2008	16	7,225	9,170	15,547
2007	16	8,505	9,765	17,944
2006	15	6,398	7,697	19,723
2005	11	2,914	3,107	9,345
2004	13	3,989	4,960	10,967
2003	10	3,764	3,646	8,598

You can get additional Coastal Clean-Up data from Tom Quinata at Coastal Management.



Tina Muna Barnes <tinamunabarnes@gmail.com>

Bottle Bill

2 messages

Roger Church <rogerc_96950@hotmail.com>**Mon, Jul 5, 2010 at 8:22 AM**

To: tinamunabarnes@gmail.com

Please accept this letter of support for a bottle bill on Guam. As a science teacher who has taught environmental science and marine biology classes, I favor such a bill to reduce the amount of litter and to increase recycling.

I am a registered voter on Guam and am willing to sign a petition in support of the bill.

Roger L. Chjurch
P.O. Box 315577
Tamuning, Guam 96931
646-3421 home

Hotmail: Trusted email with powerful SPAM protection. [Sign up now.](#)

Senator Tina Muña Barnes <tinamunabarnes@gmail.com>**Wed, Jul 7, 2010 at 10:24 AM**

To: Chelsa Muña-Brecht <cmunabrecht@guamlegislature.org>

[Quoted text hidden]

--
Sinceru yan magahet.

Senator Tina Rose Muña Barnes
155 Hesler Place
Hagatña, GU 96910
671.472.3455/6
671.472.3400 (fax)

Christine Pascus
PO Box 4355
Yigo, Guam 96929

16 June 2010

Senator Tina Rose Mufia Barnes
155 Hesler Place
Hagatña, GU 96910

RE: Support of Guam's Bottle Bill; Bill 149

Hafa Adai!

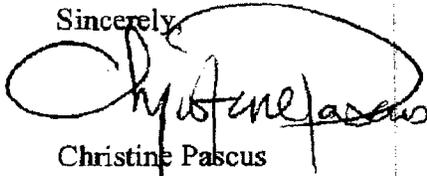
I plan to attend the Public Hearing for our Bottle Bill scheduled for July 19, 2010 at 9AM.
I also want to submit this written testimony in SUPPORT of Bill 149.

I understand that you have been pushing this legislation for eight (8) long years and give you a lot of credit for the enduring battle bills like this often require. I also admire your patience to garner support from Rear Admiral Bushong, Commander of Joint Region Marianas and obtaining support from the military installations in Guam. I agree with you that the trash situation on Guam is at its worse and that Guam really does need this bottle bill.

I'm also supporting a 10 cent deposit rather than the 5 cent. Based on inflation and to motivate the Guam population, this higher deposit rate should increase participation.

I urge all Guam Senators to support this Bill!!!

Sincerely,



Christine Pascus
Concerned Island Resident
Member of Recycling Association of Guam

PO Box 4355
Yigo, Guam 96929

14 June 2010

Senator Tina Rose Muña Barnes
155 Hesler Place
Hagatña, GU 96910

RE: Support of Guam's Bottle Bill; Bill 149

Hafa Adai!

Unfortunately, I will not be able to attend the Public Hearing for our Bottle Bill scheduled for July 19, 2010 at 9AM, but I do want to submit this written testimony in **SUPPORT** of Bill 149.

I understand that you have been pushing this legislation for eight (8) long years and give you a lot of credit for the enduring battle bills like this often require. I also admire your patience to garner support from Rear Admiral Bushong, Commander of Joint Region Marianas and obtaining support from the military installations in Guam. I agree with you that the trash situation on Guam is at its worse and that Guam really does need this bottle bill.

I'm also supporting a 10 cent deposit rather than the 5 cent. Based on inflation and to motivate the Guam population, this higher deposit rate should increase participation.

I urge all Guam Senators to support this Bill!!!

Sincerely,



Robert Shambach, P.G.
Senior Geologist & Member of Recycling
Association of Guam (RAG)

Office of the Legislative Council
Senator Tina Rose Muña Barnes
Date 7/15/10
Time _____
Received by _____

 Search BottleBill.org



Links

- ▶ [Guam Legislature](#)
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Resources

- ▶ [News about the bottle bill in Guam and the world](#)
- ▶ [Look up Guam bills](#)
- ▶ [Guam Campaign History](#)

Bottle Bill Campaigns:
Guam

10¢ please !!
 Make it worthwhile

Senator Muña-Barnes has introduced deposit legislation in Guam for the second year in a row; this year, the pledged support of the military will be an asset to the success of the bill.

Bill Number and Name	Bill #149, Guam Beverage Container Recycling Act PDF text
Primary Sponsor	Tina Rose Muña-Barnes, F.B. Aguon, Jr.
Beverages Covered	All nonalcoholic beverages, beer, ale, malt beverages, mixed spirits, mixed wine. Excludes milk, supplements, and medicines.
Containers Covered	Any sealed glass, metal, or plastic container, up to 64 oz.
Deposits	5¢
Handling Fees	None
Other Fees / Taxes	20% of the deposit (1¢) per container retained by Guam Environmental Protection Agency (GEPA)
Reclamation System	Return to redemption centers
Unredeemed Deposits	Retained by GEPA

Details

An essential part of the introduction to the bill is an explanation of how the military has agreed to support the bill providing it is similar to Hawaii's deposit system. The military was previously unwilling to cooperate with proposed deposit regulations, which thwarted the progress of previous bottle bills in Guam. The bill will not come into effect until the military has signed a voluntary agreement "that provides for such deposit fees to be assessed and collected throughout Guam, including all locations



Links

Kosrae Legislature
 Government of the Federated States of
 Micronesia
 Research help from the Law Library of
 Congress

Beverage Container Legislation Around the World:

Federated States of Micronesia

The state of Kosrae, one of the four Federated States of Micronesia, has enacted bottle deposit legislation.

Law Summary	THE KOSRAE RECYCLING PROGRAM allows deposits to be placed on a variety of different items so that they can be easily recovered for recycling and export.
Date Implemented	1991, amended in 2006.
Containers Covered	As of November 2006, only aluminum cans are subject to deposit and refund, but the law allows for the addition of other materials to the refund system. PET and Glass were expected to be added in 2007.
Beverages Covered	
Refundable Deposits	6¢ per can (only 5¢ is refundable)
Fees / Taxes	1¢ handling fee
Program Success	Recovery rates, trippage rates, % market share.
Legislation	State Law 5 -15, Title 9, Chapter 22 and Title 10, Section 205(1)(d) Kosrae Recycling Program (PDF, 16kb) (Kosrae State Code 9.2201-9.2210) Recycling Program Regulations (PDF, 16kb)

Details

Kosrae's deposit-refund system was reinstated in 2006 after a 2-year hiatus due to difficulties administrating the system. For more news, and information about the challenges associated with restarting the program, read the [Kosrae Recycling Project's November 2006 newsletter](#) (PDF, 270kb)

How the Kosrae Can Deposit System Works

A 6¢ deposit is paid on each aluminium drink can as soon as it is brought into the state. This deposit is paid by the importer and collected by the State Department of Administration and Finance at the same time as State Sales Tax is collected. This money is deposited into a Recycling Fund that is a Fund of the Treasury with the Kosrae State Government. People take their cans to recycling agent (as of 2006, the Kosrae Island Resource Management Authority, KIRMA) to be recycled and are given a cash refund of 5¢. The 1¢ remainder is kept by the recycling operation to fund the process.

Updated February 13, 2008

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Kosrae Trash Talk

Kosrae Recycling Project Newsletter
November 2006 No.2

Tel: (691) 370 2076 Fax: (691) 370 2867



Kosrae Passes New Container Deposit Legislation

The Kosrae State Legislature has passed legislation that allows deposits to be placed on a variety of different items so that they can be easily recovered for recycling and export. The Bill contains Regulations that specify deposit amounts and refunds to be paid, for example on aluminium cans, PET and glass bottles, and lead-acid batteries.

The legislation was a major amendment to existing legislation that levied a deposit of 5¢ on each aluminium can imported into Kosrae state. The existing laws had provided for a 5¢ refund, but this did not allow for administration of the refund system, resulting in a collapse of the refund system two years ago. Since then, 5¢ deposits have been building up in the designated 'Recycling Fund' whilst no refund mechanism was in place.

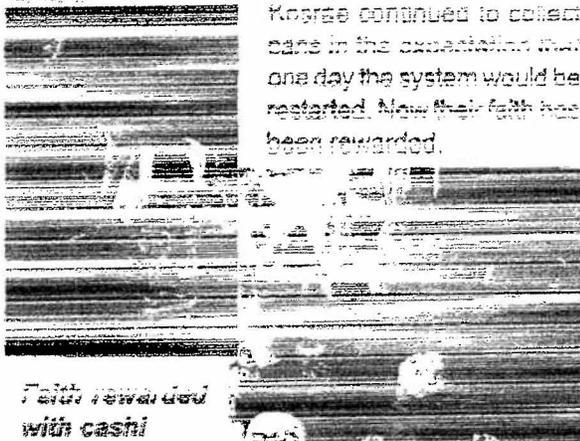
The new legislation has increased the deposit for cans to 6¢, thus creating a 1¢ handling fee per can which can be recovered by the recycling system operator. The handling fee is the difference between the deposit and the refund. The recycling operator pays out the specified refund on return of the item – for example 5¢ on an aluminium can – and claims back the 6¢ deposit from the Recycling Fund on a reimbursable basis.

The legislation is written in such a way that other specified items can be added to the system at a later date should the Government so decide. This is a very progressive piece of legislation for any country, and matches best practise world-wide in solid waste management.

Can Refunds Start After Two Year Break

Kosrae had a container deposit law in the past, and this provided for a 5¢ deposit on aluminium cans entering the State, with a 5¢ refund payable on return. The system had been operating since the early 1990's, run by the Kosrae Community Action Program (KCAP), but the lack of any handling fee meant that running costs were not covered. How-

ever, many residents of Kosrae continued to collect cans in the expectation that one day the system would be restarted. Now their faith has been rewarded.



Faith rewarded with cash!



Lives of... at the new Recycling Yard

The Kosrae Recycling Project has succeeded in re-starting the 5¢ can refunds under the existing legal framework, and prior to the introduction of the new legislation which includes the handling fee of 1¢ per refunded item. This has introduced some logistical challenges due to the large stockpiles of cans held on the Island, but the project staff are managing the system very well during this initial phase.

The Logistical Challenges of Starting a Container Deposit System

The hardest part of Container Deposit Legislation introduction is usually the start-up phase of the Refund system. Getting Legislation through can be hard if political opposition is encountered, but in Kosrae, political support for the new Bill was widespread and the legal process went smoothly. But where there are a large number of existing cans in circulation that need to be collected, this can be a problem that is solved through careful implementation.

There are two ways that refundable items – such as aluminium cans – may be in large numbers ready for refund: one is that there is a large amount of existing can litter; the other is where a recycling system has failed, but can stockpiles are still held and added to in the expectation of re-start. This latter case is what occurred in Kosrae.

To overcome the challenge, the Project identified every hamlet on the island, and then uses the radio to inform people from which places cans will be accepted on what day. It is expected that it will take three to four months to clear the stockpiles, as the capacity of the system is limited by processing ability, ability to store uncrushed cans, and cash flow constraints. It was decided that the fairest approach was to slowly work round the island, systematically, from the area adjoining the recycling yard (which is at one end of the road, at the port), all the way to the far end of the road.

On several days far more people have arrived with cans to refund than the system can pay for, but the project has a very strict policy of only accepting those cans that have been paid for. To do otherwise in the current situation would likely lead to accounting difficulties. It is always difficult to send people away – to come back another day – but close cooperation with the radio broadcasts has generally ensured that those who come from villages that have advised to come with their cans, can be paid.



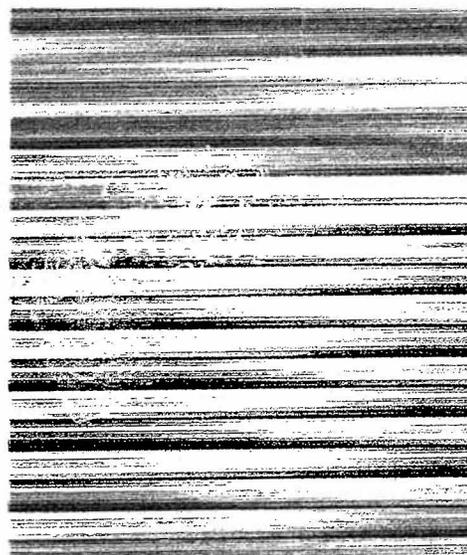
Measuring of cans refunded

The system is currently refunding 20,000 cans per day,

meaning refund payments of \$1,000 per day are paid out in cash. This is another logistical challenge: aside from the accounting and monitoring system needed (which we will look at elsewhere) keeping the cash payment and subsequent refunds from the original deposits circulating through the system is itself a careful operation.

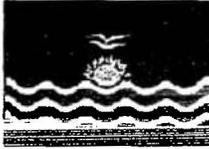
Can Press Arrives from New Zealand

The can being press utilized by the project has arrived from New Zealand. The unit is a small item, but one that has the capacity to easily deal with the expected normal flow rate of cans in Kosrae. It is also a low energy user whilst rated at 1.5kW, in reality it is using more like 500W, which means that electricity costs are low. This is a very important point in small islands where electricity is often expensive. The press gives about 10 tonnes of cans per 200 containers. It may press to target nearer 15t, but for some scrap metal presses they may require several cycles when filled with light, airy, aluminium cans, and this is expensive on electricity. Also, where can flows are low, a large press can mean long times to fill a container, which can impact the recycling business cash flows as the time between shipments (and thus payment) is long.



Feeding the minibaier

Search BottleBill.org



Links

Research help from the Law Library of Congress

Contacts

Alice Leney, Project Design and Coordination: aliceleney@clear.net.nz
 Foundation for the Peoples of the South Pacific (FSP), the Project Implementation Agency: isp@teknet.ki

Beverage Container Legislation Around the World:

Kiribati

Law Summary THE SPECIAL FUND (WASTE MATERIALS RECOVERY) ACT 2004 was a project to provide access to solid waste services and improve Kiribati's ability to deal with water and land pollution caused by uncollected and uncontained wastes

Date Implemented February 3, 2005

Containers Covered Aluminum cans and PET bottles

Beverages Covered All beverages in the containers above

Refundable Deposits 5c per container (only 4c is returned to the consumer)

Fees / Taxes The Kaoko Mange operator keeps 1c per container on operating basis

Unclaimed deposits Unredeemed Deposits remaining in the Special Fund will slowly accrue to provide capital for equipment replacement over time. The Act allows the Special Fund to use excess funds for waste management

Program Success Measurements of the landfill in December 2005 indicate that waste has been reduced by 60% over the quantities measured in a waste survey in March 2004.¹

Both organic waste, and wastes recyclable through the Project recycling system, have been reduced to residual levels or around 1% in the landfill waste stream¹

Details

Operator of the materials recovery facility (the Kaoko Mange Operator) is a private entity. The Kaoko Mange Operator is known as the Kaoko Mange (Send back the rubbish!) Project, which also includes a system of collection, recycling program, plus initiatives to reduce organic and landfill waste.

How the deposit system works

5c is paid at import for every aluminium drink cans or PET plastic (No.1) bottle.
 The money is collected by the Kiribati Customs Service at First Entry, in the same manner as the Outer Island Freight Levy.
 The money is then deposited into the Special Fund set up under the Act. This money is not a tax. It is a deposit on the cans and bottles to finance the refund. This money is paid by Customs according to the account code for the Special Fund provide by the Ministry of Finance
 The money in the Special Fund is only available for refunding the items which have had a deposit paid, or associated recycling activities.
 The importer has now paid 5 cents' deposit per item, and must pass the 5c on to the stores.
 The stores must pass the 5c on to the consumer.
 The consumer drinks the drink, and brings the can to the Kaoko Mange Collection points, and receives 4 cents per item, or effectively 20c for 5 cans and bottles. This rate of refund is determined in the Regulations attached to the Special Fund Act.
 The Kaoko Mange Operator claims back 5 cents, for every item refunded, from the special fund. This includes 1c that the Operator keeps as a contribution to running costs, as described in the Regulations.
 This Refund is claimed from the Special Fund through the Ministry of Finance.
 The Kaoko Mange Operator crushes the material and exports it for recycling.
 The Kaoko Mange Operator keeps the 1 cent per item to help finance the crushing and export of lower value items such as plastic bottles and cardboard

Photos

Litter reduction. Before and after photos
 Redeeming the deposits

	2¢ or 4¢ for glass containers. ^[1]
Other Fees	1¢ non-refundable "container fee" (added to price of beverage) paid to Deposit Beverage Container fund to help pay redemption centers handling fees. ^[2]
Unredeemed Deposits	Property of state; used for program administration
Program Success	Redemption rate of 72% in fiscal year 2008 ^[3] Redemption rate reported as 79% in November 2009 ^[4]

Details

Some notes about the Hawaii deposit law: Redemption centers must submit reports regularly. Refund may be calculated by weight.

Hawaii charges a nonrefundable "deposit beverage container fee" in addition to the 5¢ refundable deposit. This fee is used to pay the redemption centers' handling fees, which are equal to the container fee except in the case of glass. The container fee is set at 1¢, but the law requires it to be changed to 1.5¢ should the redemption rate any given year exceed 70%. However, the Director of the program is authorized to suspend any increase in this fee if the size of the deposit beverage container fund is sufficient to maintain operations. This has been done, and the fee stays at 1¢.

In September 2008, the Department of Health changed the handling fee that is paid out to redemption centers for glass containers. After the change, glass containers that were destined for remanufacturing applications receive a 4¢ fee, and glass containers destined for industrial or agricultural applications receive a 2¢ fee.

Footnotes

[1] Retailer exemptions vary depending on local population density, proximity to a redemption center, and store size.

[2] Fee funds redemption center operations. Fee based on the previous year's recycling rate: if previous quarter's rate is less than 70%, the fee is 1¢/container, otherwise it shall change to 1.5¢.

[3] Journal Article House - Hawaii DOD

[4] Source: Hawaii Department of Health. Report to the Twenty-fifth Legislature State of Hawaii, November 2009.

[5] In reference to the 2008 handling fee adjustment, up for glass to be used in construction & agriculture applications. Source: Hawaii Department of Health. "Handling Fee Adjustment For Glass Deposit Containers." September 9, 2008

Updated June 26, 2010

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UNIVERSITY OF GUAM
UNIBETSEDÅT GUAHAN

Senior Vice President
Academic and Student Affairs

May 28, 2010

The Honorable Tina Rose Muna-Barnes
Legislative Secretary
I Mina' Trenta Na Liheslaturan Guåhan
Suite 101
155 Hesler St.
Hagåtña, Guam 96910

Office of the Legislative Secretary
Senator Tina Rose Muna-Barnes
Date 6-4-10
Time 8:00 am
Received by E. Medina

Dear Legislative Secretary Muna-Barnes:

The University of Guam (UOG) is in receipt of the proposed legislation Bill 149 (COR):

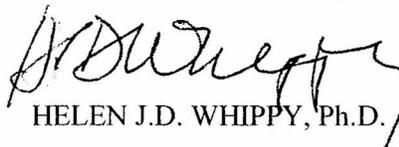
AN ACT TO ADD A NEW CHAPTER 44 TO TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE "GUAM BEVERAGE CONTAINER RECYCLING DEPOSIT ACT" AND TO ESTABLISH A BEVERAGE CONTAINER RECYCLING DEPOSIT FUND SEPARATE AND APART FROM ALL OTHER FUNDS WITHIN THE GOVERNMENT OF GUAM, AND TO REQUIRE THE CONFIRMATION OF THE VOLUNTARY COOPERATION OF MILITARY COMMANDS WITH THE GUAM BEVERAGE CONTAINER RECYCLING PROGRAM PRIOR TO ASSESSMENT AND COLLECTION OF ANY BEVERAGE CONTAINER DEPOSIT FEES; TO ADD NEW 5 76220 TO CHAPTER 76 ARTICLE 2 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ENDORSEMENT OF BEVERAGE CONTAINER RECYCLING REDEMPTION CENTERS; AND TO STATE THE EFFECTIVE DATES OF CERTAIN SUBSECTIONS OF SECTION 2 OF THIS ACT.

In 2008, the University of Guam President, Dr. Robert A. Underwood, launched the UOG Green initiative. UOG has partnered with external organizations to develop capacity for a green community and develop a sustainable campus environment that can serve as a model for our island and the region.

For these reasons, the administration, faculty, students and staff of the University strongly supports Bill 149 (COR). Thus, this bill presents both an environmental and economical benefits for our people and points the way forward for generating funds to continue our efforts to sustain our island..

I join with the 30th Guam Legislature in furthering our island's continued effort in "Going Green".

Sincerely,



HELEN J.D. WHIPPY, Ph.D.

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- Press Releases Public Hearing Notices Referrals to other Ser Referrals to TRMB Resolutions Schedules Session Agendas TRMB Campaign TRMB Introduced Bills Wise Owl (1) 4 more

Contacts Tasks Chat

Table with search bar and contact list including Chelsa Muña-Brech, maya.alonso, Stephanie Mendiola, Maya Alonso, Tony Rabon, Ana Bautista, Gaynor Dumat-ol Dalen, Maria Pangelinan, Tina Muna Barnes, vpariola.

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About th

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Fwd: bottle bill

Senator Tina Muña Barnes to me

show details May 25 Reply

for the record

Forwarded message From: marilyn vander weide <marilyn@guam.net> Date: Tue, May 25, 2010 at 10:21 AM Subject: bottle bill To: tinamunabarnes@gmail.com

Dear Senator Barnes,

I want to support you on the bottle bill that you are proposing. It is a must for Guam! I am from Michigan where there is a 10cent bottle bill, where the 10 cents is added at purchase, and returned upon the return of the cans. I know several people that have financed trips to Europe by picking up cans in the park or along the roadsides, here would be the beaches. I hope that the businesses will get on board also as it would mean putting in machines to count the cans and tabulate the money amount. I wish you the best.

Marilyn Vander Weide- a retired teacher.

-- Sinceru yan magahet,

Senator Tina Rose Muña Barnes 155 Hesler Place Hagatña, GU 96910 671.472.3455/6 671.472.3400 (fax)

Reply Forward Invite Senator Tina Muña Barnes to chat

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BILL 149

I fully support Bill # 149 aka the Bottle Bill. A refundable deposit on all beverage containers makes perfect sense given the Island's long standing trash crisis. Sometimes it may be necessary to pass a law that may not be popular but is needed for the greater good for the community and the environment.

The bottle bill will not only help reduce waste stream and encourage recycling, it will also help to reduce littering on our island. On Hawaii, which does have a bottle bill one does not see beverage containers littered all about and the occasional discarded bottle or can is eagerly picked up by a homeless person to be redeemed for cash. They even go through the trash containers to look for some bottles or cans.

The I-recycle program was a good start but can hardly be considered successful. In my opinion this program is just a publicity stunt and smokescreen to draw attention away from the bottle bill. And putting a higher value would actually benefit the I-recycle program.

For the first 3 months of operation they claim 23000 pounds was shipped off island and these numbers have hardly improved over the past years. For one year this would account to about 100.000 pounds but they reported that 2.2 million pounds of aluminum cans are imported into Guam annually. Based on these figures, this amounts for only a 4½ % return rate for aluminum cans. If we could assume that an equal number of glass and plastic beverage containers are imported into Guam annually then the combined return rate would only be about 1.5 %. Not very impressive!

If we would have the same redemption rate as Hawaii then we can at least expect close to an 80% return rate. Quite a difference!

As a frequent walker on Tumon beach I can also detest that the I-Recycle program has made absolutely no difference in the amount of trash that is left behind and littered all over this beautiful beach. And yes, the trash also includes foam plates, cups etc. but the majority of litter are empty beverage cans and glass and plastic bottles. I always carried a plastic shopping bag during my walks and it was always full with aluminum cans when I finished my walk.

There is such a noticeable difference with Honolulu, where I recently moved. There is no need for me to carry a plastic bag.

During the previous public hearing on Bill #244 the beverage industry complained that a refundable deposit fee would increase their cost which of course is nonsense as at the end the deposit goes back to whoever paid for it. As a matter of fact the 20% or so in Hawaii that is not returned has created an excess fund from in the millions.

Berrie Straatman
Honolulu, HI
(808) 949-8822
bernene@hotmail.com

To: Senator FURY RESPICIO

Written Testimony Bill No 149

from Vicki Gayer

TINA m Barnes "Bottle Bill"

472-2229

IN FAVOR OF BOTTLE BILL

- ① On page 24 (1) (b) the requirement for Deposit beverage Distributors to keep the records may not be adequate. This is putting the cat in charge of the mice; the count should be made by either the customs officers who check the products at port entry, or some agent with no interest in fudging on the numbers.
Line 2 and
- ② On page 28 Line 18 it should require locations should be ~~in~~ ~~Yigo, INARAJAN,~~
✓ ~~Agut/santa Rita, Yigo AND MANGILAO~~ conveniently located at ~~at~~ ^{adj} of the mayor's offices so it will be convenient for all residents.
- ③ Page 30 dealing w/ redemption money to redeemers; to prevent loss of money thru theft at community redemption locations tokens can be given to later be used towards utility bills for discounts. This will cut down greatly on loss of funds by theft. Also utility could give the money to redeemers or give utility discounts
END



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

July 19, 2010

SENATOR RORY J. RESPICIO
Chairman, Committee on Rules, Natural Resources
and Federal, Foreign & Micronesian Affairs
155 Hesler Place
Hagåtña, Guam 96910

**RE: BILL NO. 149 (COR) – “GUAM BEVERAGE CONTAINER RECYCLING
DEPOSIT ACT OF 2010”**

Dear Mr. Chairman,

Thank you for the opportunity to present the Guam Chamber of Commerce’s views on Bill No. 149 proposing to implement the “Guam Beverage Container and Recycling Deposit Act” for Guam. We commend the author of the bill for her continued efforts in drafting legislation meant to keep the natural beauty of our island home pristine and litter free.

Although, we agree that our community needs to do more in keeping our island free of debris, we disagree with the method of the proposed legislation, which seeks to implement a mandatory beverage deposit program for Guam under the direction of the Guam Environmental Protection Agency (Department). The agency is already strapped for resources to run current programs; it does not have the resources to properly administer a new program especially one as involved as Bill 149.

It is important to note that Guam already has 40 laws in place to address solid waste issues on our island. According to the 2006 Integrated Solid Waste Management Plan (ISWP) there are three (3) laws and an Executive Order 2003-17 that specifically address recycling within the Government of Guam. The ISWP was first adopted and implemented in 1999. Between 1999 and 2006, when the plan was last updated, the Guam Legislature enacted at least 18 laws relating to solid waste. It is unfortunate that the objectives for several of the laws have not been met.

The Guam Chamber of Commerce has always strongly advocated a comprehensive approach to the resolution of our island’s waste issues. We support initiatives that support waste stream reduction, in particular, the iRECYCLE Program, initiated by the Guam Business Partners for Recycling. Local awareness and public education has accelerated by leaps and bounds thanks to this private sector initiative first established in 2007. Not only has this organization helped to bring the importance of recycling to the community it has devised an incentive program that gives back to our island schools that are desperately in need of funds. Reaching out to our youth has been the impetus for the program’s success. It has done more for the community in the few short years of its existence than all 40 public laws on record. It has demonstrated the following:

Guam Chamber of Commerce

Re: Bill No. 149 (COR) –“GUAM BEVERAGE CONTAINER RECYCLING DEPOSIT ACT OF 2010”

July 19, 2010

Page Two

1. *Provided Convenience in Recycling Efforts:* 42 schools all over Guam, including military, private and public, now accept aluminum for recycling. Students, school employees, family members, and school supporters can support their schools by contributing to the effort. Additionally, iRecycle has made its services available to several large community events such as the Guam Micronesian Island Fair at Ypao Beach Park, Liberation Carnival at the Paseo and Annual Christmas Festival at Skinner Plaza.
2. *Free initiative:* Private sector businesses **voluntarily** operate, manage, advertise, promote, and account for all monies received and disbursed, without involving government agencies, staff, equipment, or other resources. There is no charge for this service and all proceeds go directly back to the schools.
3. *Volunteer recycling will keep beverage prices status quo:* Price to the Retailer and most importantly, Price to the Consumer are not increased. Although the (proposed) deposit fees amount to \$1.20 per case of 24/12oz containers, consumers will end up paying much more, since distributors and retailers would need to not only pass on the fee but must also maintain margins to meet costs such as labor, rent, utilities, credit and other expenses. Thus, what starts out as \$1.20 ends up being \$1.70 (more or less) and of this, only \$0.90 is returned to the consumer. In effect, the Bottle Bill becomes a Bottle Tax. By comparison, the IRECYCLE Initiative does not create financial or logistical burdens on manufacturers, distributors, retailers, or consumers.

As the Chamber has stated in previous testimonies for similar legislations, we recommend the expeditious implementation of a public education program such as those outlined in Chapter Eight of the 2006 Integrated Solid Waste Management Plan.

Guam has litter laws already in place, which our entire community should comply with. Increased enforcement of our litter laws will significantly impact our island beautification and recycling efforts.

We ask the Committee on Rules, Natural Resources and Federal, Foreign & Micronesian Affairs to consider that only ten (10) of the fifty (50) states impose mandatory deposit fees. Deposit fees have worked against recycling efforts, which is the reason why 40 states do not have bottle bill laws.

In summary, we remain opposed to any beverage container deposit fee for the reasons noted in our letter. We thank you very much for allowing us to present the Chamber's perspective and comments relative to the proposed legislation. We look forward to working with you in moving the ISWP forward and supporting local recycling efforts that produce positive life long habits that benefit our island community.

Sincerely,



DAVID J. JOHN
Chairman of the Board



DAVID P. LEDDY
President

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRMAN
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

Committee Report on
Bill No. 149 (COR) As Substituted
(Sponsor: T.R. Muña Barnes)

“An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the “Guam Beverage Container Recycling Deposit Act” and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”

MISCELLANEOUS
SUPPORTING
DOCUMENTS



DEPARTMENT OF THE NAVY
U.S. DEFENSE REPRESENTATIVE GUAM, COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, FEDERATED STATES OF MICRONESIA, REPUBLIC OF PALAU
PSC 455 Box 152
FPO AP 96540-1000

5090
Ser J00L/0324
May 17, 2010

Senator Tina Rose Muña-Barnes
Chairperson, Committee on Municipal Affairs
30th Guam Legislature
155 Hesler Place
Hagatña, GU 96910

Dear Senator Muña-Barnes;

SUBJECT: PROPOSED BEVERAGE CONTAINER RECYCLNG PROGRAM

Thank you for your letters of April 27 and May 4, 2010. I share your interest in protecting and preserving the environment for all Guam's citizens and residents, and applaud your efforts to incentivize recycling through the "Bottle Bill."

I will continue the efforts of my predecessors to obtain the cooperation and commitment of the various Department of Defense agencies and commands responsible for the procurement and sale of goods in the military retail outlets on Guam. To this end, I recently discussed with Commander, Navy Exchange Service Command ways in which products sold in the Navy Exchange can be brought into the container redemption program as outlined in Bill 149.

In the meantime, the military will continue the robust recycling program on Andersen Air Force Base and Naval Base Guam, realizing that it is a small effort for a *One Guam, Green Guam* approach.

It was a pleasure meeting you on April 30, 2010 during the Legislature Luncheon, and to have the opportunity to discuss this matter.

My point of contact in this matter is Mr. Paul Fisher, Counsel. He may be contacted at 339-2021 or paul.fisher@fe.navy.mil. I have directed him to keep you informed of progress in this matter.

Sincerely,

P. J. BUSHONG
Rear Admiral, U.S. Navy
Commander

Copy to:
Commander, Navy Exchange Service Command
Commanding Officer, Andersen Air Force Base
Commanding Officer, U.S. Naval Base Guam

Office of the Legislative Secretary
Senator Tina Rose Muña-Barnes
Date 5-19-10
Time 12:15
Received by [Signature]



I Mina'Trenta Na Liheslaturan Guahan
Office of The Legislative Secretary
Tina Rose Muña Barnes

Chairperson, Committee on Municipal Affairs, Aviation, Housing and Recreation
Vice Chair, Committee on Tourism, Cultural Affairs, Youth, Affairs, and Public Broadcasting
155 Hesler Place Hagatña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com

May 04, 2010

Rear Admiral Paul J. Bushong
Commander, Joint Region Marianas
Mailing Address:
PSC 455 Box 152
FPO AP 96540
Street Address:
Sumay Drive, Bldg. 3190
Santa Rita, GU 96915

Hafa Adai Admiral Bushong,

Buenas! It was truly a pleasure to meet with you at the luncheon last Friday at Meskla. Our conversation has inspired confidence in me that our community will finally be able to see progress in terms of a unified commitment to environmental sustainability.

Your statement of resolve to implement the policies and procedures specified in Bill 149, "The Guam Beverage Container Recycling Act of 2010," once it is passed into law, is a significant declaration. Thank you for saying it so clearly when you stated that if the legislature passes the bill into law the military will have to follow the law. Our community will undoubtedly see substantive change as a unified process is put into place and supported by both private industries and the Joint Region Marianas.

It is my firm belief that working together, we will usher in the "One Guam, Green Guam," vision of our Commander in Chief.

Senseramente,

Senator Tina Rose Muña Barnes



DEPARTMENT OF THE NAVY
COMMANDER, JOINT REGION MARIANAS
PSC 455, BOX 152
FPO AP 96540-1000

5730
Ser J00L/0058
February 1, 2010

The Honorable Tina Rose Muña Barnes
30th Guam Legislature
155 Hesler Place
Hagåtña, GU 96910

Dear Senator Barnes:

SUBJECT: BEVERAGE CONTAINER RECYCLING DEPOSIT ACT; LEGISLATIVE BILL 30-149

Thank you for your letter of September 1, 2009 requesting the military's commitment to participate in a beverage container recycling deposit program as proposed in legislative Bill No. 30-149. Please accept my apology for the length of time it has taken me to reply. You know first-hand of the complexities regarding this matter, and I deeply appreciate your patience and commitment.

I had hoped to give you the military's unqualified commitment to the proposed program. However, unfortunately, I am unable to provide such a commitment at this time. Multiple off-island vendors provide containerized beverages for resale in the military retail outlets in Guam under contracts awarded by various procurement offices in the Navy Exchange System, the Army Air Force Exchange System and the Defense Commissary Agency. Coordinating with the various parties has proven more difficult and protracted than anticipated. Commander, Joint Region Marianas will continue to work with these activities to forge an agreement on an approach that will allow military participation in the program as your legislative initiative proposes.

Again, I applaud you in your dedicated service to Guam, and for your determined efforts in protecting our environment by ways of recycling. I am pleased and proud to report that both Andersen Air Force Base and U.S. Naval Base Guam have established robust recycling efforts for aluminum, glass and plastic beverage containers as well as for cardboard.

My point of contact in this matter is Mr. Paul Fisher, General Counsel. Mr. Fisher may be contacted at 339-2021.

Commander, Joint Region Marianas will keep you informed as to our progress on this very important initiative.

Sincerely,

D. T. BIESEL
Rear Admiral, U.S. Navy
Commander

Copy to:

The Honorable Felix P. Camacho, Governor of Guam
Commanding Officer, Andersen Air Force Base
Commanding Officer, U.S. Naval Base Guam
Manager Navy Exchange, U.S. Naval Base Guam
Manager Army Air Force Exchange System, Andersen Air Force Bas
District Manager, Defense Commissary Agency, Guam

Office of the Legislative Secretary
Senator Tina Rose Muña Barnes
Date: 2/9/10
Title: _____
Received by: *W*



DEPARTMENT OF THE NAVY
COMMANDER, JOINT REGION MARIANAS
PSC 455, BOX 152
FPO AP 96540-1000

5730
Ser J00L/1034
October 19, 2009

The Honorable Tina Rose Muña Barnes
30th Guam Legislature
155 Hesler Place
Hagåtña, GU 96910

Dear Senator Muña Barnes:

SUBJECT: BILL NO. 149-30, GUAM BEVERAGE CONTAINER RECYCLING DEPOSIT
ACT – INTERIM RESPONSE

Thank you for your letter of September 1, 2009 regarding Bill No. 149-30. Please allow me to begin by applauding you in your dedicated service to Guam and for your determined efforts in protecting our environment by ways of recycling.

As Commander, Joint Region Marianas, I am extremely supportive of all forms of recycling. This matter in particular is a timely and pertinent issue, especially on Guam. I embrace in concept the idea of a bottle deposit, and have asked my staff to review this matter in-depth to determine how Joint Region Marianas may participate within the regulations and guidelines of the Department of Defense.

I have directed my point of contacts in this matter, Mr. Paul Fisher, General Counsel, and Mr. Phil Harrison, Navy Exchange Director, to maintain contact with your office while my staff works diligently on this matter. Mr. Fisher and Mr. Harrison may be contacted at 339-2021 or 339-6594 respectively.

Please accept this letter as an interim response. I anticipate providing a more detailed response on or before November 20, 2009.

If I may be of further assistance, please let me know.

Sincerely,

D. T. BIESEL
Rear Admiral, U.S. Navy
Commander

Copy to:
The Honorable Felix P. Camacho, Governor of Guam
Commanding Officer, Andersen Air Force Base
Commanding Officer, U.S. Naval Base Guam
Commanding Officer, Naval Engineering Facilities Command Marianas
Director, Joint Guam Program Office – Forward Guam
Director, Navy Exchange

Office of the Legislative Secretary
Senator Tina Rose Muña Barnes
Date 10/26/09
Time 3:10 pm
Received by G. Biesel

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June 16, 2009

Memorandum

To: Clerk of the Legislature
I Mina'Trenta Na Liheslaturan Guåhan

Attorney Therese M. Terlaje, Legislative Legal Counsel
I Mina'Trenta Na Liheslaturan Guåhan

From: Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'Trenta Na Liheslaturan Guåhan

Subject: Referral of Bills No. 147(COR) through 149(COR) and Bill
No. 151(COR)

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 147(COR) through 149(COR) and Bill No. 151(COR).

Please ensure that the subject Bills are referred, in my name, to the respective Chairpersons, as shown on the attachment. I am also requesting that the same be forwarded to all Senators of *I Mina'Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Elaine Tajalle or Stephanie Mendiola from my office.

Si Yu'os Ma'åse.

Attachment

2009 JUN 16 PM 6:49

Bill/Resolution Introduction/Referral

Bill	Sponsor	Description	Date Introduced	Date Referred	Committee Referred
147(COR)	v.c. pangelinan	An act to add a new Subsection 50103 (p) to Chapter 50 Title 12 Guam Code Annotated relative to activities of corporation within the Guam Economic Development Authority.	6-12-09	6-16-09	Committee on Economic Development, Health and Human Services, and Judiciary
148(COR)	A.B. Palacios, Sr.	An act to amend §3401(d) of Chapter 3, Article 4, Title 16, Guam Code Annotated, relative to display of license plate or removable windshield placard to qualified persons with disability as such is defined in §7120.1, chapter 7, title 16, Guam Code Annotated, to provide for dismissal of a citation issued to vehicles for failure to properly display the special license plate or the removable windshield placard.	6/12/09	6/16/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land
149(COR)	Tina.Rose Muña Barnes	An. act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the "Guam Beverage Container Recycling Deposit Act" and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new § 76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain subsections of Section 2 of this Act	06/12/09	6/16/09	Committee on Natural Resources, Federal, Foreign, and Micronesian Affairs

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRMAN
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

Committee Report on
Bill No. 149 (COR) As Substituted
(Sponsor: T.R. Muña Barnes)

“An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the “Guam Beverage Container Recycling Deposit Act” and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”

PUBLIC
HEARING
NOTICES

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

July 12, 2010

MEMORANDUM

To: All Members / All Senators

From: Senator Rory J. Respicio 

Subject: First Notice of Public Hearing & Roundtable Discussion
Monday, July 19, 2010 – 9:00 AM & 1:00 PM

Hafa Adai!

Please be advised that the Committee on Rules, Natural Resources, and Federal, Foreign & Micronesia Affairs will be conducting a public hearing on **Monday, July 19, 2010 at 9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on **Bill No. 149 (COR) – T.R. Muña Barnes – "An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the "Guam Beverage Container Recycling Deposit Act" and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act."**

Following the public hearing, **a Roundtable Discussion will commence at 1:00 PM** on the issue of Ultra Low Sulfur Diesel use on Guam. The expected participants include, but are not limited to, the Guam Environmental Protection Agency, the Guam Power Authority, the Department of Defense, and representatives from the oil and transportation industries.

For further information, please contact our office at 472-7679.

I look forward to your attendance and participation.

Si Yu'os ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS



Stephanie Mendiola <sem@guamlegislature.org>

1st Notice of Public Hearing & Roundtable on Mon, Jul 19, 2010

Stephanie Mendiola <sem@guamlegislature.org>

Mon, Jul 12, 2010 at 5:08 PM

To: judiguthertz@pticom.com, senatortonyada@guamlegislature.org, senjim@ite.net, "Adolpho B. Palacios" <senabpalacios@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, "Edward J.B. Calvo" <senecalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Jimmy Espaldon <senator@espaldon.com>, Judi Won Pat <info@judiwonpat.com>, Ray Tenorio <ray@raytenorio.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Telo Taitague <senatortelo@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>

Cc: andrasgrandma@yahoo.com, aokada@guamlegislature.org, bfartero@guamlegislature.org, bruce.lloyd.media@gmail.com, chris.budasi@guamlegislature.org, coy@senatorada.org, cyrus@senatorada.org, dcchaco@guamlegislature.org, doc.wyppenbachsantos@gmail.com, ed@raytenorio.com, edpocaigne@judiwonpat.com, edpocaigne@yahoo.com, epogue@guamlegislature.org, epogue@hotmail.com, fba_irenem@yahoo.com, fbtorres@yahoo.com, gtmarcos612@yahoo.com, herbie@judiwonpat.com, hmcruz55@guam.net, jamespcastro@gmail.com, jcamacho@senatorada.org, jenniferdulla@gmail.com, jessica@raytenorio.com, jonatwork2010@gmail.com, jonbdiaz@gmail.com, josie.mendiola@gmail.com, joyunpingco@guamlegislature.org, juliette@senatorada.org, legislativesecretary1@gmail.com, lizama.frances@gmail.com, mark@judiwonpat.com, markafllague@gmail.com, maryfejeran@gmail.com, mcarlson@ite.net, mermae@raytenorio.com, mjperez48@yahoo.com, mona.duenas@gmail.com, natashaguon@hotmail.com, nenamillondaga@yahoo.com, patrickcepeda@hotmail.com, peterlg@gmail.com, pjtcruz@yahoo.com, remytaijeron@yahoo.com, rlikeke05@gmail.com, rob.tupaz@gmail.com, roberto.phil@gmail.com, roeann@raytenorio.com, roland@judiwonpat.com, rsmuna45@gmail.com, rsmuna@yahoo.com, sahara@judiwonpat.com, santos222@gmail.com, sayama01@yahoo.com, smendiola@guamlegislature.org, stefcepeda@yahoo.com, tcamacho@senatorada.org, teddytaz_222@yahoo.com, tpmatane@yahoo.com, trespicio@gmail.com, typhoonjvr@yahoo.com, vel.komiyama@yahoo.com, victoria.phillips@live.com, vquenga@judiwonpat.com, zunior0831@hotmail.com, anaaleah <anaaleah@yahoo.com>, bill phillips <phillipsguam@gmail.com>, Chelsa Muna-Brecht <cmunabrecht@guamlegislature.org>, Derick Hills <derickhills@live.com>, Ed LeonGuerrero <edleonguerrero@gmail.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Frank Torres <fbtorres@judiwonpat.com>, Fred Burgos <feaburgos@gmail.com>, Gina Tabonares <aguonmedia@gmail.com>, Jay Sunga <ajsunga@senatorada.org>, Jose Cruz <josecruzjr17@yahoo.com>, Joy Unpingco <joyunpingco@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Maya Alonso <maya@guamlegislature.org>, Mike Lidia <mike.lidia9@gmail.com>, Nicole Santos <nsantos@senatorada.org>, Patty Sablan <ptsablan59@gmail.com>, Phillip Leon Guerrero <phill@raytenorio.com>, ron teehan <rteehan@yahoo.com>, Selina Onedera-Salas <sonedera-salas@guamlegislature.org>, "teddytaz@ite.net" <teddytaz@ite.net>, tinaokada <tinaokada@gmail.com>, Toby Castro <tcastro@guam.net>, Tony Quitugua <tq@guamlegislature.org>, Daniel Perez <dperez@guamlegislature.org>, Dorothy Cruz <dot@guamlegislature.org>, Elvy Mew <emew@guamlegislature.org>, Flo Terlaje <fterlaje@guamlegislature.org>, Maria Nieves Mateme <nieves@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, Yong Pak <yong@guamlegislature.org>, tunsio@guamlegislature.org, Joe Leon Guerrero <sgtarms@guamlegislature.org>

Hafa Adai, All:

Please see attached memo from Senator Respicio regarding the public hearing AND roundtable discussion scheduled for next Monday, July 19, 2010 at 9am and 1pm respectively.

Si Yu'os ma'ase',

11/22/2010

Guam Legislature Mail - 1st Notice of P...

Si Stephanie

--

Stephanie E. Mendiola
Research Analyst
Office of Senator Rory J. Respicio
Committee on Rules, Natural Resources,
and Federal, Foreign & Micronesian Affairs
I Mina' Trenta na Liheslaturan Guåhan
The 30th Guam Legislature
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

July 12, 2010
NEWS RELEASE

FIRST NOTICE OF PUBLIC HEARING & ROUNDTABLE DISCUSSION
MONDAY, JULY 19, 2010 – 9:00 AM & 1:00 PM

(Hagåtña, Guam – For Immediate Release) Please be advised that the Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian Affairs will be conducting a **public hearing on Monday, July 19, 2010 at 9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on **Bill No. 149 (COR) – T.R. Muña Barnes – "An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the "Guam Beverage Container Recycling Deposit Act" and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act."**

An electronic copy of Bill No. 149 can be found on the Guam Legislature's website at www.guamlegislature.com (see "Bills" / "Introduced" / "30th"). Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery/mail to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; via e-mail to roryforguam@gmail.com; or via facsimile to (671) 472-3547.

Following the public hearing, **a Roundtable Discussion will commence at 1:00 PM on the issue of Ultra Low Sulfur Diesel** use on Guam. The expected participants include, but are not limited to, the Guam Environmental Protection Agency, the Guam Power Authority, the Department of Defense, and representatives from the oil and transportation industries.

Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at 472-7679.

###

For more information, please contact the Office of Senator Rory J. Respicio.



Stephanie Mendiola <sem@guamlegislature.org>

1st Notice of Public Hearing & Roundtable on Mon, Jul 19, 2010

Stephanie Mendiola <sem@guamlegislature.org>

Mon, Jul 12, 2010 at 5:11 PM

To: hottips@kuam.com, mvariety@pticom.com, news@guampdn.com, news@spbguam.com, scoop@guamnewswatch.com

Bcc: action@weareguahan.com, admin@weareguahan.com, clynt@spbguam.com, dcristostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, gdumat-ol@guampdn.com, gerry@mvguam.com, jason@kuam.com, jeff@marianasmedia.com, jesselujan27@yahoo.com, john@kuam.com, jtyquiengco@spbguam.com, kevin@spbguam.com, kstone@ite.net, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, nick.delgado@kuam.com, parroyo@k57.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, thebigshow@k57.com, therese@mvguam.com, zita@mvguam.com, bill phillips <phillips@guamlegislature.org>, Elaine Tajalle <etajalle@guamlegislature.org>, Lannie Walker <lannie@kuam.com>, "Lee, Regine" <Regine.Lee@mail.house.gov>, Ronnie Perez <marketing@hitradio100.com>, "Rory J. Respicio" <rorjfor@guamlegislature.org>, tinaokada <tinaokada@gmail.com>, William Gibson <breakfastshowk57@gmail.com>

Hafa Adai, Newsrooms:

Please see attached media release from Senator Rory J Respicio regarding the public hearing on Bill 149 ("The Bottle Bill") and the roundtable discussion on Ultra Low Sulfur Diesel (ULSD), scheduled for next Monday, July 19th at 9am and 1pm respectively.

Si Yu'os ma'åse',
Si Stephanie

--
Stephanie E. Mendiola
Research Analyst
Office of Senator Rory J. Respicio
Committee on Rules, Natural Resources,
and Federal, Foreign & Micronesian Affairs
I Mina' Trenta na Liheslaturan Guåhan
The 30th Guam Legislature
155 Hesler Place
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

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AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

July 13, 2010

VIA FACSIMILE & E-MAIL

(671) 475-8007

bradley.dunagan@epa.guam.gov

Mr. Bradley Dunagan

Acting Administrator

Guam Environmental Protection Agency

P.O. Box 22439 GMF

Barrigada, Guam 96921

RE: Notice of Public Hearing & Roundtable – Monday, July 9, 2010 – 9:00 AM/1:00 PM

Hafa Adai Mr. Dunagan:

Please be advised that the Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian Affairs will be conducting a public hearing on **Monday, July 19, 2010 at 9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on **Bill No. 149 (COR), relative to establishing a beverage container recycling program in Guam**. An electronic copy of Bill No. 149 can be found on the Guam Legislature's website at www.guamlegislature.com (see "Bills" / "Introduced" / "30th"). In your capacity as the acting administrator of the Guam Environmental Protection Agency, I encourage you to appear before this committee and provide testimony on Bill No. 149. Please feel free to extend this invitation to other interested members of our community. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian Affairs; and may be hand-delivered or mailed to the Office of Senator Rory J. Respicio at 155 Hesler Place, Hagatna, Guam 96910; e-mailed to roryforguam@gmail.com; or faxed to (671) 472-3547.

Following the public hearing, the Committee will also be conducting a **Roundtable Discussion at 1:00 PM** on the issue of Ultra Low Sulfur Diesel use in Guam. I ask that you and/or your designee(s) be present to join this discussion, which is expected to include representatives from other Government of Guam agencies, the Department of Defense, and the oil and transportation industries.

For more information, please contact our office at 472-7679. I look forward to your attendance and participation.

Very truly yours,


Rory J. Respicio

cc: Guam EPA Board of Directors



Stephanie Mendiola <sem@guamlegislature.org>

Notice of Public Hearing & Roundtable on Mon, Jul 19, 2010

Stephanie Mendiola <sem@guamlegislature.org>

Wed, Jul 14, 2010 at 11:43 AM

To: Bradley Dunagan <bradley.dunagan@epa.guam.gov>

Cc: Sabrina Sablan <sabrina.cruzsablan@epa.guam.gov>

Bcc: Elaine Tajalle <etajalle@guamlegislature.org>, tinaokada <tinaokada@gmail.com>

Hafa Adai, Mr. Dunagan:

Please see attached letter from Senator Rory Respicio regarding the public hearing on Bill 149 and the roundtable on the issue of ULSD use in Guam, scheduled for Monday, July 19th at 9am and 1pm respectively.

Note to Ms. Sablan: Please forward a copy of this letter of invitation to Board Chair George Lai and all GEPA Board members.

Si Yu'os ma'åse',
Si Stephanie

--

Stephanie E. Mendiola
Research Analyst
Office of Senator Rory J. Respicio
Committee on Rules, Natural Resources,
and Federal, Foreign & Micronesia Affairs
I Mina' Trenta na Liheslaturan Guåhan
The 30th Guam Legislature
155 Hesler Place
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Libeslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

July 15, 2010

MEMORANDUM

To: All Members / All Senators

From: Senator Rory J. Respicio 

Subject: Second Notice of Public Hearing & Roundtable Discussion
Monday, July 19, 2010 – 9:00 AM & 1:00 PM

Hafa Adai!

Please be reminded that the Committee on Rules, Natural Resources, and Federal, Foreign & Micronesian Affairs will be conducting a public hearing on **Monday, July 19, 2010 at 9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on **Bill No. 149 (COR) – T.R. Muña Barnes – "An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the "Guam Beverage Container Recycling Deposit Act" and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act."**

Following the public hearing, **a Roundtable Discussion will commence at 1:00 PM** on the issue of Ultra Low Sulfur Diesel use on Guam. The expected participants include, but are not limited to, the Guam Environmental Protection Agency, the Guam Power Authority, the Department of Defense, and representatives from the oil and transportation industries.

For further information, please contact our office at 472-7679.

I look forward to your attendance and participation.

Si Yu'os ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
Clerk of the Legislature
MIS



Elaine Tajalle <etajalle@guamlegislature.org>

Second Notice of Public Hearing & Roundtable on Monday, July 19, 2010

Elaine Tajalle <etajalle@guamlegislature.org>

Thu, Jul 15, 2010 at 4:25 PM

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Hafa Adai, All:

Please see attached memo from Senator Respicio regarding the public hearing AND roundtable discussion scheduled for next Monday, July 19, 2010 at 9am and 1pm respectively.

Si Yu'os ma'ase',

Elaine

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Elaine V. Tajalle
Administrative Officer
Office of Senator Rory J. Respicio
I Mina' Trenta na Liheslaturan Guåhan
The 30th Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

July 15, 2010
NEWS RELEASE

SECOND NOTICE OF PUBLIC HEARING & ROUNDTABLE DISCUSSION
MONDAY, JULY 19, 2010 – 9:00 AM & 1:00 PM

(Hagåtña, Guam – For Immediate Release) Please be reminded that the Committee on Rules, Natural Resources, and Federal, Foreign & Micronesia Affairs will be conducting a **public hearing on Monday, July 19, 2010 at 9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on **Bill No. 149 (COR) – T.R. Muña Barnes – "An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the "Guam Beverage Container Recycling Deposit Act" and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act."**

An electronic copy of Bill No. 149 can be found on the Guam Legislature's website at www.guamlegislature.com (see "Bills" / "Introduced" / "30th"). Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery/mail to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; via e-mail to roryforguam@gmail.com; or via facsimile to (671) 472-3547.

Following the public hearing, **a Roundtable Discussion will commence at 1:00 PM on the issue of Ultra Low Sulfur Diesel** use on Guam. The expected participants include, but are not limited to, the Guam Environmental Protection Agency, the Guam Power Authority, the Department of Defense, and representatives from the oil and transportation industries.

Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at 472-7679.

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For more information, please contact the Office of Senator Rory J. Respicio.

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, NATURAL RESOURCES
AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS



I Mina'Trenta na Liheslaturan Guåhan
THIRTIETH GUAM LEGISLATURE

PUBLIC HEARING

Monday, July 19, 2010 • 9:00 AM

Legislature's Public Hearing Room • Hagåtña, Guam

AGENDA

I. Call to Order

II. Announcements

III. Items for Public Consideration

- **Bill No. 149 (COR) – T.R. Muña Barnes** – “An act to add a new Chapter 44 to Title 10 Guam Code Annotated relative to the "Guam Beverage Container Recycling Deposit Act" and to establish a Beverage Container Recycling Deposit Fund separate and apart from all other funds within the Government of Guam, and to require the confirmation of the voluntary cooperation of military commands with the Guam Beverage Container Recycling Program prior to assessment and collection of any beverage container deposit fees; to add new §76220 to Chapter 76 Article 2 of Title 11 Guam Code Annotated, relative to endorsement of beverage container recycling redemption centers; and to state the effective dates of certain Subsections of Section 2 of this Act.”

IV. Remarks

V. Adjournment

Electronic copies of the aforementioned bill can be found on the Guam Legislature's website at www.guamlegislature.com (see "Bills" / "Introduced" / "30th"). Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to roryforguam@gmail.com, or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Stephanie Mendiola or Elaine Tajalle at our office. For further information, please call 472-7679. We look forward to your attendance and participation. *Si Yu'os ma'åse'!*



Elaine Tajalle <etajalle@guamlegislature.org>

Second Notice of Public Hearing & Roundtable on Monday, July 19, 2010

Elaine Tajalle <etajalle@guamlegislature.org>

Thu, Jul 15, 2010 at 4:39 PM

To: hottips@kuam.com, mvariety@pticom.com, news@guampdn.com, news@spbgum.com

Hafa Adai, Newsrooms:

Please see attached media release from Senator Rory J Respicio regarding the public hearing on Bill 149 ("The Bottle Bill") and the roundtable discussion on Ultra Low Sulfur Diesel (ULSD), scheduled for next Monday, July 19th at 9am and 1pm respectively.

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Elaine V. Tajalle
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**MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session**

2009 JUN 12 PM 1:25 *gmm*

Bill No. 149 (COR)

Introduced by:

Tina Rose Muña Barnes
Frank B. Aguon, Jr.

AN ACT TO ADD A NEW CHAPTER 44 TO TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE "GUAM BEVERAGE CONTAINER RECYCLING DEPOSIT ACT" AND TO ESTABLISH A BEVERAGE CONTAINER RECYCLING DEPOSIT FUND SEPARATE AND APART FROM ALL OTHER FUNDS WITHIN THE GOVERNMENT OF GUAM, AND TO REQUIRE THE CONFIRMATION OF THE VOLUNTARY COOPERATION OF MILITARY COMMANDS WITH THE GUAM BEVERAGE CONTAINER RECYCLING PROGRAM PRIOR TO ASSESSMENT AND COLLECTION OF ANY BEVERAGE CONTAINER DEPOSIT FEES; TO ADD NEW § 76220 TO CHAPTER 76 ARTICLE 2 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ENDORSEMENT OF BEVERAGE CONTAINER RECYCLING REDEMPTION CENTERS; AND TO STATE THE EFFECTIVE DATES OF CERTAIN SUBSECTIONS OF SECTION 2 OF THIS ACT.

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

2 **Section 1. Legislative Findings and Intent. *I Liheslaturan***

3 *Guahån* finds that the growing importance of our planet's

4 environment has become evident at the highest reaches of our

5 country's leadership, and it is among the top agenda items of the

6 Administration of President Barack Obama and Vice President

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1 Joseph Biden. Their initiatives on clean energy, promoting the
2 production of green products and protecting our environment will
3 help to transform the way we live and will make the world a better
4 place for future generations.

5 From ancient times up through the advent of the twentieth
6 century, the people of Guam depended primarily on our lush
7 environment and bountiful ocean to provide their sustenance and
8 found ways to use nature for everything from clothing, to canoes, to
9 the homes in which they lived, and to the weapons with which they
10 fought. The environment was an important part of the lives of our
11 forefathers, and they treated it wisely.

12 Over the course of time, western civilization brought many
13 people and practices to our island and we have left many of the old
14 ways behind. We have become members of a disposable society,
15 generating an enormous quantity of solid waste, up to three pounds
16 per person per day, or about 100,000 tons of refuse per year. As our
17 population and the number of our visitors continues to increase, and
18 as the military buildup promises to bring even more people to our

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1 island, our volume of solid waste will rise as well, unless we take
2 appropriate action.

3 *I Liheslatura* finds that an environmentally and economically
4 sound solid waste management system must incorporate a number of
5 different aspects such as recycling. Recycling is a means of helping to
6 protect our environment by collecting products that can be reused or
7 remanufactured into other products, thus reducing the volume of
8 refuse that will either take up valuable space in our landfills or have
9 to be eliminated through other means.

10 *I Liheslatura* further finds that the implementation of laws that
11 impose fees or deposits on recyclable items will promote the concept
12 and practice of recycling empty beverage containers. Deposits on
13 recyclable items will assist in preserving our environment and reduce
14 litter. A substantial amount of the litter left behind on beaches and
15 along our roadways consists of beverage containers.

16 A beverage container recycling deposit program implemented
17 in a number of communities across the nation is commonly referred
18 to as a "bottle bill." The first bottle bill became law in the state of
19 Vermont in 1953. It required that beer must be sold only in refillable

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1 bottles so that empty bottles would not end up in the trash but
2 instead would be returned to the bottlers to be washed and refilled.

3 The first bottle bill to charge a refundable deposit on non-
4 refillable containers was enacted in 1971 in the state of Oregon. Their
5 beverage container recycling deposit program is so effective that they
6 have a beverage container recycling rate of greater than 80%, more
7 than double the rate of areas without deposit programs. Current
8 bottle bills impose fees or deposits on beverage containers of all
9 kinds, including glass, metal and plastic. Some areas such as
10 Connecticut even have deposits on cartons.

11 *I Liheslatura* further finds that 11 states presently place
12 refundable deposits on recyclable beverage containers. They are:
13 California, Connecticut, Delaware, Hawaii, Iowa, Maine,
14 Massachusetts, Michigan, New York, Oregon, and Vermont. Seven
15 additional states are considering container deposit programs at this
16 time, including Florida, Maryland, New Hampshire, New Jersey,
17 New Mexico, Tennessee and West Virginia. More than half of the
18 population of the United States lives in areas in which container
19 deposit programs are in effect.

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1 Beverage container recycling deposit programs have also
2 proven to be effective in some areas within Micronesia. Both the
3 Republic of Kiribati and Kosrae in the Federated States of Micronesia
4 have enacted container recycling deposit programs, and the Republic
5 of Palau has considered implementing such a program.

6 Despite the presence of voluntary recycling programs, such as
7 Guam's IRecycle, the locations that do not have bottle bills recycle
8 less than 40% of their beverage containers, compared to the nearly
9 80% recycling rate for bottle bill states. The 11 bottle bill states recycle
10 more beverage containers than the other 39 non-bottle bill states
11 combined.

12 Guam's IRecycle program states on their website that over \$1.5
13 million could be generated for schools if they were to recycle the 2
14 million pounds of aluminum beverage cans that are sold in Guam. At
15 32 cans per pound, a recycling deposit program could earn schools
16 \$2.56 million for the same cans, and this would be in addition to the
17 earnings from the sale of the aluminum, or a possible \$4.06 million.
18 The voluntary programs are making only a little more than a third of
19 what they could be earning. The deposit program proposed in this

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1 legislation is **IN ADDITION** to the funds received from the sale of
2 the aluminum. A beverage container deposit program would bring
3 an even greater benefit to our schools.

4 Although no comprehensive studies have been done in Guam,
5 our island's beverage container recycling rate is likely comparable to
6 the lowest recycling rates in the 50 states, which is below 40%. This is
7 due in part to misinformation and also in part because previous
8 efforts to implement a beverage container recycling deposit program
9 have failed because military commands were not ready to participate.

10 For example, several years ago a Judge Advocate General
11 officer stated, in a reply to a request concerning a bottle bill program,
12 that the military cannot be subject to "monetary schemes" without "a
13 waiver of sovereign immunity." Fortunately for Guam, a large
14 number of military personnel and dependents from all branches of
15 service are familiar with bottle bills and are willing to support and
16 cooperate with plans and programs to beautify our island and protect
17 our environment.

18 This negative position taken by military commands only serves
19 to emphasize that the armed forces commands do not always regard

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1 Guam or our people in the same manner as they regard those who
2 reside in the 50 states, where voluntary participate in local bottle bill
3 programs is the standard. This lack of cooperation with putting a
4 beverage container recycling deposit program into place has stymied
5 all efforts in Guam because of the high number of beverages sold at
6 commissaries and exchanges that end up in the local community as
7 solid waste and litter.

8 Recent conversations concerning recycling with high ranking
9 military officials including former Assistant Navy Secretary B.J. Penn;
10 Executive Director of the Joint Guam Program Office Major General
11 David Bice (USMC Ret.); Rear Admiral William D. French,
12 Commander Naval Forces Marianas; and Brigadier General Douglas
13 Owens, Commander 36th Wing, have indicated their previous
14 position has changed and they are now motivated to work with the
15 local community to implement and voluntarily participate in a bottle
16 bill program, provided it is similar in concept and execution to the
17 beverage container recycling deposit program now in effect in the
18 State of Hawaii.

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1 It is therefore the intent of *I Liheslatura* to create the “Guam
2 Beverage Container Recycling Act,” under the direction of the Guam
3 Environmental Protection Agency (GEPA), to begin the process of
4 implementing a container recycling deposit program in Guam.

5 It is also the intent of *I Liheslatura* that the implementation of
6 the “Guam Beverage Container Recycling Deposit Act” constitute no
7 additional expenditure of GEPA funds with the exception of start up
8 and implementation funds that shall be reimbursed by the 1¢ (one
9 cent) per container retained by GEPA and any escheat accumulating
10 due to non-return of containers on which deposits have been paid.

11 It is the additional intent of *I Liheslatura* to provide the caveat
12 that the “Guam Beverage Container Recycling Act,” shall not be
13 implemented unless and until a memorandum of understanding or
14 other agreement is executed by Government of Guam and
15 Department of Defense representatives to assure the people of Guam
16 that the military commissaries and exchanges in Guam will
17 participate in Guam’s beverage container recycling program so that
18 all retail facilities in Guam’s civilian and military communities will be

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1 participants under the guidelines of the “Guam Beverage Container
2 Recycling Act.”

3 It is the additional intent of *I Liheslatura* to provide the “Guam
4 Beverage Container Recycling Act” with enough flexibility so that
5 GEPA may amend the rules from time to time depending upon
6 technological advances, economic conditions, waste stream
7 characteristics, environmental effects, or other factors.

8 **Section 2. A new Chapter 44 is added to Title 10 Guam Code**
9 **Annotated Division 2 to read:**

10 Section 2. A new Chapter 44 is added to Division 2, Title 10
11 Guam Code Annotated to read:

12 **“CHAPTER 44**

13 **GUAM BEVERAGE CONTAINER RECYCLING ACT OF**

14 **2010**

15 § 44101. Short Title.

16 § 44102. Statement of Policy.

17 § 44103. Definitions.

18 § 44104. Goals for Waste Stream Reduction.

19 § 44105. Deposit Fee.

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- 1 § 44106. Deposit of Beverage Container Recycling
2 Deposit Fees.
- 3 § 44107. Deposit Beverage Distributors; Registration,
4 Recordkeeping Requirements.
- 5 § 44108. Beverage Container Recycling Deposit Fund.
- 6 § 44109. Beverage Container Recycling Deposit
7 Payout.
- 8 § 44110. Audits.
- 9 § 44111. Redemption Centers.
- 10 § 44112. Acceptance of Containers.
- 11 § 44113. Deposit Beverage Distributor to Collect and
12 Remit Container Deposits.
- 13 § 44114. Redemption Centers' Claims for
14 Reimbursement and Reporting Requirements.
- 15 § 44115. Deposit Beverage Container Requirements.
- 16 § 44116. Responsibility of Dealers.
- 17 § 44117. Reverse Vending Machine Requirements.
- 18 § 44118. Rules to be Adopted.
- 19 § 44119. Military Cooperation.

1 § 44101. **Short Title.** This Act shall be known as “The
2 Guam Beverage Container Recycling Act of 2010.”

3 § 44102. **Statement of Policy.** Communities throughout
4 the world, including our island neighbors of Kiribati and
5 Kosrae, in the mainland United States, Canada, Australia and
6 much of Europe have found that recycling has been effective in
7 reducing threats to our environment and in reducing the
8 enormous volume of solid waste produced by our modern
9 lifestyles.

10 Our island environment is precious, vulnerable, and
11 irreplaceable. No individual, public entity, or private
12 corporation has the right to pollute our air, water, or soil. The
13 people of Guam have an ongoing responsibility to conserve,
14 preserve, and enhance our natural resources and island beauty,
15 and to guarantee their continued existence and enjoyment in
16 the present and for future generations.

17 Some of the waste filling our dump today and bound for
18 our landfills tomorrow may represent a potential resource, but
19 without proper management these wastes will continue to be

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1 hazards to our environment and to life itself. The reduction of
2 solid waste at its source and the recycling of reusable waste
3 materials will reduce the flow of waste to dumps and landfills
4 and increase the supply of reusable materials for use by the
5 public.

6 The United States Government, our Armed Forces,
7 numerous businesses and many concerned citizens in Guam
8 have already adopted environmentally friendly policies and
9 habits to encourage the purchase, use and re-use of
10 biodegradable, recyclable and recycled products. Many are
11 presently recycling those products for which recycling avenues
12 are available in Guam. It is therefore the policy of this agency of
13 the Government of Guam to establish a mechanism that will
14 provide incentives to aid the entire recycling process as it
15 relates to those products for which additional uses may be
16 found, either in Guam or by sending them off-island, and to set
17 achievable goals for waste stream reduction in the coming
18 years.

19 **§ 44103. Definitions.** As used in this Chapter:

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1 (a) “Administrator” means the Administrator of the
2 Guam Environmental Protection Agency.

3 (b) “Auditor” means the Office Public Auditor.

4 (c) “Beverage” means all beverages for human
5 consumption. For purposes of this Chapter the term beverage
6 shall not include items sold in a non-liquid, or frozen form or
7 liquid intended for medicinal purposes only.

8 (d) “Beverage container” means the individual,
9 separate, sealed glass, high density polyethylene, metal, plastic
10 bottle, can, jar, or carton, with a total volume of less than or
11 equal to sixty-four fluid ounces, used for containing, at the time
12 of sale to the consumer, a beverage intended for use or
13 consumption. Beverage containers may be for single use or for
14 multiple uses.

15 (e) “Board” means the Board of Directors of the Guam
16 Environmental Protection Agency.

17 (f) “Commercial passenger vessel” means any
18 domestic or foreign-flagged marine vessel or air carrier used

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1 primarily for transporting persons to and from Guam and to
2 and from other destinations. The term does not include:

3 (1) Marine vessels authorized to carry fewer than
4 twenty (20) passengers; or

5 (2) Marine vessels for hire that do not provide
6 overnight accommodations for at least twenty
7 (20) passengers, and based on an average of
8 two (2) persons per cabin.

9 (g) "Consumer" means a person who buys a beverage
10 in a deposit beverage container for use or consumption and
11 pays the deposit.

12 (h) "Dealer" means every person who engages in the
13 sale of recyclable products to a consumer for use or
14 consumption off the premises.

15 (i) "Department" means the Guam Environmental
16 Protection Agency.

17 (j) "Deposit beverage" means beer, ale, or other drink
18 produced by fermenting malt, mixed spirits; mixed wine, tea
19 and coffee drinks regardless of dairy-derived product content;

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1 soda, or noncarbonated water; and all nonalcoholic drinks in
2 liquid form and intended for internal human consumption that
3 is contained in a deposit beverage container.

4 The term “deposit beverage” excludes the following:

5 (1) A liquid that is:

6 (A) A syrup;

7 (B) In a concentrated form; or

8 (C) Typically added as a minor flavoring
9 ingredient in food or drink, such as
10 extracts, cooking additives, sauces, or
11 condiments;

12 (2) A liquid which is a drug, medical food or
13 infant formula as defined by the Federal Food,
14 Drug, and Cosmetic Act (21 U.S.C. §301 et
15 seq.);

16 (3) A liquid which is designed and consumed
17 only as a dietary supplement and not as a
18 beverage as defined in the Dietary

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1 Supplement Health and Education Act of 1994

2 (P.L. 103-417);

3 (4) Products frozen at the time of sale to the
4 consumer, or, in the case of institutional users
5 such as hospitals and nursing homes, at the
6 time of sale to the users;

7 (5) Products designed to be consumed in a frozen
8 state;

9 (6) Instant drink powders;

10 (7) Seafood, meat, or vegetable broths, or soups,
11 but not juices; and

12 (8) Milk and all other dairy-derived products,
13 except tea and coffee drinks with trace
14 amounts of these products.

15 (k) "Deposit beverage container" means the individual,
16 separate, sealed glass, polyethylene terephthalate, high density
17 polyethylene, or metal container less than or equal to sixty-
18 eight fluid ounces, used for containing, at the time of sale to the

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1 consumer, a deposit beverage intended for use or consumption
2 in Guam.

3 (l) "Deposit Beverage Distributor" means a business
4 licensed in Guam that engages in the sale or distribution of any
5 and all alcoholic and non-alcoholic beverages, juices, flavored
6 drinks, milk, coffee, tea and water in recyclable products to a
7 dealer in Guam, including any manufacturer who engages in
8 such sales and imports and sells such products to either or both
9 consumers and retailers located on either or both federal and
10 private property. "Deposit Beverage Distributor" also means a
11 "Wholesaler."

12 (m) "Deposit Fee" means the amount added to the listed
13 price of a product that the consumer must pay to the dealer or
14 distributor as a deposit for each individual beverage container
15 that has been identified by the Department as recyclable and
16 requiring a deposit. An amount equivalent to at least 80% of the
17 deposit fee shall be returned to the redeemer when the
18 redeemer sells the container to a redemption center. No taxes
19 shall be assessed or collected on deposit fees accepted by

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1 dealers for products approved in this Chapter 44 for recycling
2 purposes.

3 (n) "Escheat" means the deposit fee paid to a dealer or
4 deposit beverage distributor that remains unclaimed and
5 becomes department property.

6 (o) "Import" means to buy, bring, or accept delivery of
7 deposit beverage containers from an address, supplier, or any
8 entity outside of Guam.

9 (p) "Importer" means any person who buys, brings, or
10 accepts delivery of deposit beverage containers from outside of
11 Guam for sale or use within Guam.

12 (q) "List of Approved Containers" means the list
13 compiled the Board of approved containers identified for
14 recycling deposits. Containers may not be placed upon the list
15 unless a process to recycle, reuse, convert to energy, or
16 physically remove containers from Guam has been established
17 or will be established concurrent with placement upon said list.

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1 (r) “Manufacturer” means every person producing
2 recyclable products including those who package or fill
3 recyclable products for sale to distributors or dealers.

4 (s) “On-premises consumption” means to consume
5 deposit beverages by a consumer immediately and within the
6 area under control of the establishment, including bars,
7 restaurants, commercial passenger vessels, and airplanes.

8 (t) “Person” means an individual, corporation,
9 company, association, partnership, federal agency, or agency of
10 the government of Guam.

11 (u) “Recycling facility” means all contiguous land and
12 structures and other appurtenances, and improvements on the
13 land used for the collection, separation, recovery, and sale or
14 reuse of resources that would otherwise be disposed of as
15 municipal solid waste, and is an integral part of a
16 manufacturing process aimed at producing a marketable
17 product made of post-consumer material whether
18 manufactured locally or produced off-island.

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1 (v) “Redeemer” means a person, other than a dealer or
2 distributor, who demands at least 80% of the refund value in
3 exchange for an empty deposit beverage container.

4 (w) “Redemption center” means an operation that
5 accepts empty deposit beverage containers from redeemers and
6 provides at least 80% of the refund value for empty deposit
7 beverage containers intended to be recycled and ensures that
8 the empty deposit beverage containers are properly recycled.

9 (x) “Refillable beverage container” means any deposit
10 beverage container, which ordinarily would be returned to the
11 manufacturer to be refilled and resold.

12 (y) “Refund amount” means the amount of the deposit
13 fee refunded to a redeemer, which shall be at least 75% of the
14 total amount of deposit fee paid per container.

15 (z) “Reverse vending machine” means a mechanical
16 device, which accepts one or more types of empty deposit
17 beverage containers and issues coins or a redeemable credit slip
18 with a value not less than the container’s refund value.

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1 (aa) “Wholesaler” means a “Deposit Beverage
2 Distributor.”

3 **§ 44104. Goals for Waste Stream Reduction.** The goal of
4 this Act is to reduce the amount of material in our waste stream
5 by a minimum of five percent (5%) each year from 2010 to 2016,
6 achieving a thirty-five percent (35%) reduction by the year 2016
7 through the practice of waste volume reduction at the source
8 and through recycling. Should a facility or facilities employing
9 combustion of solid waste and refuse-derived fuel with energy
10 recovery (waste-to-energy) become operational in Guam prior
11 to 2016 as a component of an approved comprehensive plan,
12 then waste reduction goals shall increase by an additional five
13 percent (5%) each year, beginning with the first full year that
14 the waste-to-energy plant is in operation.

15 **§ 44105. Deposit Fee.** A deposit fee of not less than five
16 cents (5¢) is hereby levied on each beverage container described
17 in § 44103(d) and sold in Guam for off-premises consumption.
18 Such fee shall be remitted to the department by deposit

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1 beverage distributors, licensed in Guam, which distribute such
2 beverage containers.

3 **§ 44106. Deposit of Beverage Container Recycling**
4 **Deposit Fees.**

5 (a) Deposit Beverage Distributors of beverage containers
6 that meet the conditions described in item (b) of this § 44106
7 shall, on a monthly basis, remit an amount equal to the deposit
8 fee described in § 44105 of this Chapter 44 multiplied by the
9 number of containers that have been purchased on which the
10 deposit is applied, and for which payment has been received by
11 the wholesaler in the previous calendar month. Deposits shall
12 be made in the manner and on the forms prescribed by the
13 department.

14 (b) Types of containers upon which deposit fees shall
15 be levied must be first approved by the Board for placement
16 upon a list of approved containers identified for recycling
17 deposits. Containers may not be placed upon the list of
18 approved containers identified for recycling unless a process to
19 recycle, reuse, convert to energy, or physically remove

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1 containers from Guam has been established or will be
2 established concurrent with placement upon said list.

3 (d) The Board upon recommendation of the director shall
4 from time to time examine and may elect to increase either the
5 deposit fee or the percentage of the refund value returned to
6 the redeemer or both as provided in § 44109 of this Act.

7 (e) Levy of the deposit fee imposed upon beverage
8 containers shall begin on July 1, 2010, except as may otherwise
9 be provided in this act.

10 **§ 44107. Deposit Beverage Distributors; Registration,**
11 **Recordkeeping Requirements.**

12 (a) By July 1, 2010, All Deposit Beverage Distributors
13 operating in Guam shall register with the Department, using
14 forms prescribed by the Department, and shall notify the
15 Department of any change in address or other information
16 previously submitted. After July 1, 2010, any person who
17 desires to conduct business in Guam as a Deposit Beverage
18 Distributor shall register with the Department no later than one
19 month prior to the commencement of the business.

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1 (b) All Deposit Beverage Distributors shall maintain
2 records reflecting the manufacture of their beverages in deposit
3 beverage containers as well as the importation and exportation
4 of deposit beverage containers. The records shall be made
5 available, upon request, for inspection by the Department;
6 provided that any proprietary information obtained by the
7 Department shall be kept confidential and shall not be
8 disclosed to any other person, except:

9 (1) As may be reasonably required in an
10 administrative or judicial proceeding to
11 enforce any provision of this chapter or any
12 rule adopted pursuant to this chapter; or

13 (2) Under an order issued by a court or
14 administrative agency hearings officer.

15 **§ 44108. Beverage Container Recycling Deposit Fund.**

16 (a) There is within the Government of Guam and under
17 the control of the Department a Beverage Container Recycling
18 Deposit Fund, which is hereby created, into which the proceeds
19 from recycling deposit fees as provided in §44105 of this act are

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1 deposited, and in which all interest earned by the Beverage
2 Container Recycling Deposit Fund shall accrue.

3 (b) The Beverage Container Recycling Deposit Fund shall
4 be administered separate and apart from any other fund of the
5 Government and shall not be subject to any transfer authority
6 of the Governor or appropriation by the Legislature except as
7 provided in this Chapter 44.

8 (c) The funds remitted into the Beverage Container
9 Recycling Deposit Fund shall be used only for the following
10 purposes:

- 11 (1) Reimbursements to Redemption Centers of
12 amounts refunded to redeemers;
- 13 (2) Expenses related to administer the provisions
14 of this Chapter 44;
- 15 (3) Funding of administrative, audit, and
16 compliance activities associated with
17 collection and payment of the deposits of the
18 Beverage Container Recycling Deposit Act;

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1 (4) Conducting of recycling education and
2 demonstration projects; and

3 (5) Promotion of recycling related activities.

4 **§ 44109. Beverage Container Recycling Deposit Payout.**

5 (a) For each empty beverage container approved for
6 recycling deposits under § 44105 (c) and brought to a
7 redemption center, Eighty percent (80%), or four cents (4¢) shall
8 be returned to the redeemer for each empty beverage container.
9 Payouts to redeemers shall begin on October 1, 2010.

10 (e) A person operating a redemption center may compact
11 empty metal beverage containers with the approval of the
12 recycling facility required to accept the containers.

13 **§ 44110. Audits.** The Office of the Public Auditor shall
14 conduct a management and financial audit of the program
15 beginning in fiscal year 2011, and for each fiscal year thereafter
16 ending in an even number. The costs incurred by the auditor
17 for the audit shall be reimbursed by the Beverage Container
18 Recycling Deposit Fund. The auditor may contract the audit
19 services of a third party to conduct the audit.

1 **§44111. Redemption Centers.**

2 (a) To facilitate the return of empty beverage containers,
3 and subject to the approval of the Department and appropriate
4 business licensing, any person may establish a redemption
5 center at which consumers may return empty beverage
6 containers and receive payment of the refund value of such
7 beverage containers. Refunds may be based on number or
8 weight of deposit beverage containers.

9 (b) An application for approval of a Redemption Center
10 shall be filed with the Department. The application shall state
11 the name and address of the person responsible for the
12 establishment and operation of the Redemption Center, the
13 kind of beverage containers that will be accepted at the
14 Redemption Center, and the names of the distributor or
15 distributors that will be handling and exporting their
16 recyclables, if different from the name of the operator of the
17 Redemption Center. The application shall contain such other
18 information as the administrator may reasonably require.

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1 (c) The Department shall approve a Redemption Center if
2 it finds that the Redemption Center will provide a convenient
3 service to consumers for the return of empty beverage
4 containers. The order of the Department approving a
5 Redemption Center shall state the kind of empty beverage
6 containers that the Redemption Center must accept. The order
7 may contain such other provisions to insure that the
8 Redemption Center will provide a convenient service to the
9 public as the administrator may determine. Applicants shall be
10 appropriately licensed to conduct business in Guam by the
11 Department of Revenue and Taxation.

12 (d) The Department may review the approval of any
13 Redemption Center at any time. After written notice to the
14 person responsible for the establishment and operation of the
15 Redemption Center, the Department may, after hearing,
16 withdraw approval of a Redemption Center if the Department
17 finds there has not been compliance with the Department's
18 order approving the Redemption Center, or if the Redemption
19 Center no longer provides a convenient service to the public.

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1 (e) All approved Redemption Centers shall meet
2 applicable health standards and shall be maintained in full
3 compliance with applicable laws and with the orders and rules
4 of the department, including permitting requirements.

5 (f) Redemption centers shall:

6 (1) Accept all types of empty deposit beverage
7 containers for which a deposit has been paid;

8 (2) Pay to the redeemer the full refund value in
9 either cash or a redeemable voucher for all
10 deposit beverage containers;

11 (3) Remain open at least thirty hours per week, of
12 which at least five hours shall be on Saturday
13 or Sunday; and

14 (4) Forward the documentation necessary to
15 support claims for payment as stated in §
16 44114 of this Chapter 44.

17 (g) The Department shall prepare printed material to be
18 posted at dealer locations in conspicuous areas identifying the

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1 location of approved Redemption Centers and specifying what
2 type of recyclable materials may be deposited at each center.

3 (h) All Redemption Centers shall submit to the
4 department the following information on forms and on dates
5 prescribed by the department, which information shall include
6 at a minimum:

7 (1) The number or weight of deposit beverage
8 containers of each material type accepted at
9 the redemption center for the reporting
10 period; and

11 (2) The amount of refunds paid out by material
12 type.

13 **§ 44112. Acceptance of Containers.** A redemption center
14 shall not refuse to accept from a consumer any empty beverage
15 container described in § 44103 (d), or refuse to pay to the
16 consumer the refund value of a beverage container as provided
17 in § 44109, except for the following reasons:

18 (1) The deposit beverage container is broken,
19 corroded, or dismembered;

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1 (2) The deposit beverage container contains a
2 free-flowing liquid;

3 (3) The deposit beverage container holds a
4 significant amount of foreign material; or

5 (4) The deposit beverage container appears to
6 have been previously processed and baled.

7 **§ 44113. Deposit Beverage Distributor to Collect and**
8 **Remit Container Deposits.** Deposit Beverage Distributors
9 licensed in Guam that meet the conditions described in items 1
10 through 3 below shall, on a monthly basis, remit an amount for
11 deposits for such beverage containers as described pursuant to
12 this Chapter equal to the amount of the deposit as described in
13 § 44105 (a) and (b) of this Chapter 44, in the manner and on the
14 forms developed by the Department, payable to the Beverage
15 Container Recycling Deposit Fund, and subject to the
16 requirements of the Department.

17 (1) Condition 1: The Deposit Beverage
18 Distributor licensed in Guam distributes
19 beverages that may include any and all

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1 alcoholic and non-alcoholic beverages, juices,
2 flavored drinks, milk, coffee, tea and water;
3 and

4 (2) Condition 2: Any of the beverages distributed
5 are in containers that have been identified by
6 the Guam Environmental Protection Agency
7 as that which can be recycled pursuant to §
8 44112 of this chapter; and

9 (3) The business is a distributor in Guam of any
10 such beverage product for sale to customers
11 by retailers located on both federal and
12 private property to both military and local
13 retailers.”

14 **§ 44114. Redemption Centers’ Claims for**
15 **Reimbursement and Reporting Requirements.**

16 (a) Claims for reimbursements of refund amounts paid
17 out by Redemption Centers shall be made by Redemption
18 Centers in the manner, on the forms, and in the frequency
19 specified by the Department.

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1 (b) The department shall pay certified redemption centers
2 refund values as described in § 44109 of this Chapter 44, based
3 on collection reports submitted by the redemption centers. All
4 redemption centers shall submit to the department the
5 following information on forms prescribed by the department,
6 which information shall include at a minimum:

7 (1) The number or weight of deposit beverage
8 containers of each material type accepted at
9 the redemption center for the reporting
10 period;

11 (2) The amount of refunds paid out by material
12 type; and

13 (3) The number or weight of deposit beverage
14 containers of each material type to be
15 transported to a permitted recycling facility.

16 **§ 44115. Deposit Beverage Container Requirements.**

17 (a) Except as provided in (b) and (c) of this § 44115,
18 effective on September 1, 2011, every deposit beverage
19 container sold in Guam shall clearly indicate the refund value

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1 of the container and the word "Guam" or the letters "GU." The
2 names or letters representing the names of other states or
3 jurisdictions with comparable deposit legislation may also be
4 included in the indication of refund value. The refund value on
5 every deposit beverage container shall be clearly, prominently,
6 and indelibly marked by painting, printing, scratch embossing,
7 raised letter embossing, or securely affixed stickers and shall be
8 affixed on the top or side of the container in letters at least one-
9 eighth inch in size.

10 (b) Subsection (a) of this § 44115 shall not apply to any
11 type of refillable glass deposit beverage container that has a
12 brand name permanently marked on it and that has the
13 equivalent of a refund value of at least 5 cents, which is paid
14 upon receipt of the container by a dealer or deposit beverage
15 distributor.

16 (c) Containers that do not meet the definition of a deposit
17 beverage container, as specified in § 44103 (c) of this Chapter
18 44, shall not indicate "Guam" or "GU" on the container.

1 **§ 44116. Responsibility of Dealers.** Dealers who are not
2 redemption centers shall post a clear and conspicuous sign at
3 the primary public entrance of the dealer’s place of business
4 that specifies the name, address, and hours of operation of the
5 closest Recycling Redemption Center location(s).

6 Businesses that sell deposit beverages for on-premises
7 consumption, such as hotels, bars, and restaurants, shall collect
8 used deposit beverage containers from the patron and either
9 use a certified redemption center for the collection of containers
10 or become a Recycling Redemption Center.

11 **§ 44117. Reverse Vending Machine Requirements.**
12 Reverse vending machines may be used by Recycling
13 Redemption Centers to satisfy the requirements of this Chapter
14 44, provided that the reverse vending machine shall accept one
15 or more types of empty deposit beverage containers and shall
16 pay out appropriate refunds as coins or via a redeemable credit
17 slip with a value not less than the refund value of the container
18 or containers being redeemed. Reverse vending machines shall
19 be routinely serviced to ensure proper operation and

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1 continuous acceptance of empty deposit beverage containers
2 and payment of the refund value.

3 **§ 44118. Rules to be Adopted.**

4 (a) The Board shall convene an advisory committee to
5 assist in the development of all rules needed to implement this
6 Chapter 44. Members of the committee shall assess the impact
7 on consumers, recyclers, the military, and the beverage
8 industry. Members of the committee shall be appointed by the
9 administrator and shall serve at the administrator's pleasure. A
10 simple majority of the committee members shall constitute a
11 quorum for the purposes of recommending rules and providing
12 input to the Board.

13 (b) The Board may adopt rules pursuant to this chapter 44
14 as may be necessary to carry out its provisions. Amendments to
15 such Rules may be considered and adopted from time to time
16 to replace or supplement such rules as may be in existence, to
17 include:

18 (1) Identifying items to be recycled in addition to
19 beverage containers;

- 1 (2) Establishing or revising appropriate deposit
- 2 fees and refund values;
- 3 (3) Regulating redemption centers and the
- 4 redemption process for recyclable items; and
- 5 (4) Establishing and revising appropriate forms
- 6 and procedures to reimburse Redemption
- 7 Centers applying for refund amounts.”

8 § 44119. **Military Cooperation.** The provisions of

9 this Chapter 44 relative to beverage container recycling deposit

10 fees shall not be implemented, and deposits as defined in this

11 Chapter 44 shall not be assessed or collected on beverage

12 containers until the Government of Guam and the U.S. Navy

13 and U.S. Air Force commands in Guam shall have established a

14 voluntary agreement in writing that provides for such deposit

15 fees to be assessed and collected throughout Guam, including

16 all locations both on and off federal property, in the manner

17 described in such voluntary agreement. Assessment and

18 collection of deposit fees on beverage containers shall continue

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1 only for the period of time that such voluntary agreement is in
2 effect.”

3 **Section 3. A new §76220 is added to Chapter 76 Article 2 of**
4 **Title 11 Guam Code Annotated to read:**

5 **“§76220. Recycling Redemption Center Endorsements.**

6 An endorsement for a Recycling Redemption Center must be
7 obtained by any person who engages in the business of
8 receiving recyclable products and remitting a portion of deposit
9 fees to redeemers. Such required endorsement is approval by
10 the Guam Environmental Protection Agency pursuant to
11 Chapter 44 of Title 10 Guam Code Annotated.”

12 **Section 4. Effective Dates.** The provisions of this Act shall take
13 effect as follows:

14 (a) Section 2, §§ 44105, 44106 and 44107 shall take effect
15 twelve (12) months after the effective date of the voluntary agreement
16 described in Title 10 GCA Chapter 44 § 44119.

17 (b) Section 2, § 44109 and § 44110 shall take effect fifteen (15)
18 months after the effective date of the voluntary agreement described
19 in Title 10 GCA Chapter 44 § 44119 .

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1 (c) Section 2, § 44114 shall take effect twenty-four (24)
2 months after the effective date of the voluntary agreement described
3 in Title 10 GCA Chapter 44 § 44119.”

4 **Section 5. Severability.** If any provision of this Law or its
5 application to any person or circumstance is found to be invalid or
6 contrary to law, such invalidity shall not affect other provisions or
7 applications of this Law which can be given effect without the invalid
8 provisions or application, and to this end the provisions of this Law
9 are severable.

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