

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
339-32 (COR)	Aline A. Yamashita, Ph.D	AN ACT TO ADD A NEW ARTICLE 6B TO CHAPTER 51A OF 10 GCA, RELATIVE TO THE ESTABLISHMENT OF A COMMERCIAL RECYCLING PROGRAM.	5/12/14 1:50 p.m.	05/14/14	Committee on Public Safety, Infrastructure, & Maritime Transportation			



COMMITTEE ON RULES

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May 14, 2014

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MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 339-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 339-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 339-326R

Introduced by:

Aline A. Yamashita, PhD



**AN ACT TO ADD A NEW ARTICLE 6B TO CHAPTER 51A OF
10 GCA, RELATIVE TO THE ESTABLISHMENT OF A
COMMERCIAL RECYCLING PROGRAM.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds the enabling legislation creating the Guam Solid Waste Authority included an article creating a municipal recycling program. *I Liheslaturan Guåhan* intends for this new Article 6B to mirror the definitions contained in the existing Municipal Recycling Program contained in Article 6 of 10 GCA, but focus on those waste streams being produced by commercial entities. As an example, a significant percentage of the wet garbage being transported to Guam's landfill is sourced at commercial users such as restaurants, hotels and other food and beverage outlets. The Recycling Association of Guam estimates more than 17,802 tons of wet garbage are produced on Guam on an annual basis. While some of the wet garbage is utilized as a food source for livestock, the bulk of the wet garbage makes its way to the Layon landfill and contributes to the filling of the cells in use, as opposed to being utilized in a more beneficial manner. The conversion of wet garbage into other usable forms is a desirable outcome and *I Liheslatura* intends to create a program that encourages the diversion of recyclable items from the waste stream to accomplish that end. The successful implementation of

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1 this program could reduce Guam's waste stream by as much as forty percent (40%) and extend the
2 life of the Layon Landfill.

3 **Section 2. A new Article 6B is added to Chapter 51A of 10 GCA to read:**

4 **"ARTICLE 6B**

5 **COMMERCIAL RECYCLING PROGRAM**

6 **§ 51A601B. Definitions.**

7 **§ 51A602B. Program, established.**

8 **§ 51A603B. Program Guidelines.**

9 **§ 51A604B. Timeline for Implementation.**

10 **§ 51A605B. Funding.**

11 **§ 51A606B. Administrative Guidelines.**

12 **§ 51A601B. Definitions.** For purposes of this Article, except as otherwise provided, the
13 following words and phrases, together with all of the common derivatives thereof, shall have the
14 meaning ascribed to them as follows:

15 (a) GEPA means the Guam Environmental Protection Agency.

16 (b) Recycling means the process by which recovered resources are transformed into new
17 products in such a manner that products lose their initial identity, as defined in § 51102(r) of Chapter
18 51 of Title 10 of the Guam Code Annotated.

19 (c) Recyclable materials means materials which still have useful physical or chemical
20 properties after serving a specific purpose for the same or other purpose. Recyclable materials are as
21 follows:

- (1) batteries (i.e., lead-acid, portable computer batteries, nickel-cadmium, sealed types for power backup);
- (2) automobiles, buses, and trucks or any form of motorized vehicle;
- (3) tires (passenger/commercial);
- (4) enameled white goods;
- (5) home appliances (other small appliances that are not considered enameled white goods);
- (6) glass and plastic bottles;
- (7) foam padding;
- (8) lead;
- (9) metals (ferrous/non-ferrous);
- (10) organic material (i.e., tree trimmings, palm fronds, grass, food waste, soiled cardboard);
- (11) paper products;
- (12) wood pallets and scrap wood;
- (13) construction and demolition debris („C&D”);
- (14) x-ray film;
- (15) automobile oil and fluids;
- (16) Freon and other refrigerant gases;
- (17) electronic waste (i.e., computers, circuit boards, televisions, and portable phones);
- (18) heavy equipment; and

1 (19) other recyclable materials deemed recyclable by GEPA pursuant to the Rules
2 and Regulations.

3 (d) Recycling Company means any business licensed by the Department of Revenue and
4 Taxation, and issued a permit, as required in § 51104 of Chapter 51 of Title 10 of the Guam Code
5 Annotated, from the Guam Environmental Protection Agency to conduct business
6 on Guam.

7 **§ 51A602B. Program, established.** There is hereby created a Commercial Recycling Program
8 within the Guam Solid Waste Authority. Its focus shall be to identify items within the commercial
9 waste stream that can be recycled and used for other purposes and, by doing so, maximize the use of
10 the solid waste cells in the Layon Landfill.

11 **§ 51A603B. Program Guidelines.** The Guam Solid Waste Authority shall develop the program
12 guidelines, which shall include:

13 (1) identifying the sources of commercial waste, and estimating the number of tons
14 of waste generated on a monthly basis;

15 (2) determining the type of items within the commercial waste stream and
16 estimating the percentage of items that are recyclable;

17 (3) calculating the costs of disposal for all sources of commercial waste;

18 (4) determining if a market exists for recycled items;

19 (5) crafting strategies to ensure compliance with the Guam EPA mission to reuse,
20 recycle and properly dispose of commercial waste;

21 (6) ensuring sufficient operators are in place to receive and recycle commercial waste;

22 (7) creating rules and regulations for the implementation of the program; and

1 (8) establishing a phased-in approach for the implementation of the Program.

2 **§ 51A604B. Timeline for Implementation.** Following the completion and approval of the
3 program guidelines, the Guam Solid Waste Authority shall develop a timeline for the
4 implementation of the various phases of the program.

5 **§ 51A605B. Funding.** The Guam Solid Waste Authority is authorized to utilize the existing
6 tipping fee schedule to fund the various phases of the program. This authorization is not meant to
7 increase the existing tipping fee schedule, but to utilize the same tipping fees a commercial user
8 would normally be charged for disposal of waste items at the Layon Landfill.

9 **§ 51A606B. Administrative Guideline.** The promulgation of any rule, regulation, or program
10 guideline shall be in conformance with the Administrative Adjudication Law."

11 **Section 3. Effective Date for Completion of Program Guidelines.** Upon enactment
12 into law of this Act, the Guam Solid Waste Authority shall have One Hundred Eighty (180) days to
13 develop the program guidelines and any associated rule and regulation.