

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 55 (EC)

Introduced by:

R. J. Respicio

F.B. Aguon, Jr.

B.F. Cruz

J. Wonpat

AN ACT TO EXCLUDE THE *ORDOT-CHALAN PAGO* AREA AND ALL OTHER AREAS WITHIN SIX (6) STATUTE MILES OF THE *A.B. WONPAT GUAM INTERNATIONAL AIRPORT* AS POSSIBLE SITES TO BE CONSIDERED FOR A NEW LANDFILL AS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION AND THE AVIATION INVESTMENT AND REFORM ACT, AND TO ALSO EXCLUDE AREAS LOCATED OVER SIGNIFICANT SOURCES OF FRESH WATER, AND TO REQUIRE THAT THE DEPARTMENT OF PUBLIC WORKS AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY EVALUATE THE LANDFILL SITES ALREADY IDENTIFIED IN GUAM PUBLIC LAW 23-95 FOR ENVIRONMENTAL SUITABILITY IN ACCORDANCE WITH THE CONSENT DECREE ISSUED PURSUANT TO CIVIL CASE NO. 02-00022, *UNITED STATES OF AMERICA V. GOVERNMENT OF GUAM.*

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that a dump is a place where a variety of materials are deposited, and
4 the mixture of these are in all likelihood toxic or otherwise dangerous. The
5 *Ordot Dump*, first opened by the United States Department of War prior to
6 civil self-government on Guam, has been nationally recognized as an
7 environmental threat to the health and safety of the people of Guam,
8 especially the residents of *Ordot-Chalan Pago* and surrounding areas. All
9 manner of waste, including lethal and hazardous materials, is being

1 disposed of in the *Ordot* Dump, which does not have the federally required
2 lining to prevent liquids and semi-liquids (leachate) from seeping into the
3 ground. This results in such liquids mixing with ground water, spreading
4 into adjacent rivers and flowing into the ocean, negatively affecting the air,
5 soil and all living things. The seepage of such leachates into our
6 groundwater threatens the sanctity of our groundwater resource and the
7 general health and welfare of the people of Guam.

8 *I Liheslaturan Guåhan* finds that a precarious situation exists at the
9 *Ordot* Dump with unsorted and hazardous solid waste having been
10 dumped at the site for more than half a century and further finds that the
11 residents of *Ordot-Chalan Pago* face continuing exposure to methane gas
12 migrating from the dump to their homes, and nearby churches and schools,
13 exposing them to health hazards--the magnitude of which has yet to be
14 determined. The lack of consistent daily cover at the *Ordot* Dump has
15 caused fires, and the breeding of rodents, flies, and other pests. The
16 frequency of fires at the *Ordot* Dump in concert with the prevailing winds,
17 have caused toxins emanating from the fires to spread beyond the
18 boundaries of *Ordot-Chalan Pago*, into the villages of *Yona, Sinajana, Agana*
19 *Heights, Hagåtña, Piti, Asan, and Maina.*

20 *I Liheslaturan Guåhan* finds that a Consent Decree has been issued in
21 the United States District Court of Guam by the United States Federal
22 government, in behalf of the United States Environmental Protection
23 Agency and the United States Department of Justice, for violations of the
24 Clean Water Act at the *Ordot* Dump. The Consent Decree mandates a
25 timeline for closure of the *Ordot* Dump, including the designation of a new
26 landfill in Guam. Failure to close *Ordot* Dump will result in fines and
27 sanctions to be imposed by the United States Government on the
28 government of Guam.

1 *I Liheslaturan Guåhan* finds that Public Law 22-115, enacted in 1994,
2 mandated the closure of the *Ordot* Dump no later than three (3) years after
3 the effective date of that law. However, ten (10) years later the *Ordot*
4 Dump remains open. In addition, Public Law 23-95, enacted in 1996,
5 identifies the primary site for the construction of a sanitary landfill for
6 Guam as *Guatali-A*, near the old Guam Oil and Refining Company
7 (GORCO) site; and the secondary site as *Malaa*, in *Agat*. The Department of
8 Public Works (DPW) and the Guam Environmental Protection Agency
9 (GEPA) in 2004 has identified three (3) different sites as candidates for the
10 sanitary landfill: *Lonfit*, near the *Ordot* Dump; *Sabanan Batea* in *Yona*; and
11 *Dandan* in *Inarajan*.

12 *I Liheslaturan Guåhan* further finds that the United States Department
13 of Transportation's Federal Aviation Administration issued Advisory
14 Circular No. 150/5200-34 on August 26, 2000, noting that solid waste
15 landfills within six (6) statute miles of public use airports is prohibited
16 because the possible attraction of hazardous wildlife to landfill sites is
17 considered incompatible with safe airport operations, and that the Aviation
18 Investment and Reform Act for the 21st Century forbids the construction or
19 establishment of a new solid waste landfill within six (6) statute miles of
20 public use airports. The proposed landfill sites of *Lonfit* and *Sabanan Batea*
21 are well within the six (6) statute mile radius, as is the present site of the
22 *Ordot* Dump.

23 *I Liheslaturan Guåhan* additionally finds that the proposed *Dandan* site
24 is located within the *Inarajan* River watershed containing several sources of
25 fresh water including the *Tinaga*, *Fensu*, and *Finatasa* Rivers; various other
26 tributaries, and wetland areas comprising a potentially significant source of
27 fresh water for drinking, farming and other uses.

1 It is, therefore, the intent of *I Liheslaturan Guåhan* to exclude the *Ordot*,
2 *Lonfit*, *Sabanan Batea* and *Dandan* sites from consideration for location of a
3 sanitary landfill for Guam, and to require that DPW and GEPA reevaluate
4 all possible landfill sites, beginning with those already identified in Public
5 Law 23-95 as the primary and secondary sites for location of a sanitary
6 landfill, and the inclusion of *Guatali-B*, adjacent to *Guatali-A*, as a third
7 potential site.

8 **Section 2. Designation of a New Landfill.** Pursuant to Item 9 of
9 the Consent Decree ordered by the United States District Court, Territory
10 of Guam in Civil Case No. 02-00022, *United States of America* (Plaintiff) v.
11 *Government of Guam* (Defendant), the Department of Public Works, on
12 behalf of the government of Guam, shall designate a site for the new
13 landfill subject to the following conditions:

14 **1. No landfill in *Ordot-Chalan Pago*.** A new landfill shall
15 *not* be constructed on any property located near or adjacent to the
16 *Ordot Dump*, including, *but not limited to*, the village of *Ordot-Chalan*
17 *Pago*;

18 **2. No landfill within six (6) statute miles of the A. B. Won**
19 **Pat Guam International Airport.** A new landfill shall *not* be
20 constructed on any property located within six (6) statute miles of the
21 A. B. Won Pat Guam International Airport pursuant to the
22 Department of Transportation's Federal Aviation Administration
23 Advisory Circular No. 150/5200-34 and the Aviation Investment and
24 Reform Act for the 21st Century which forbid the construction or
25 establishment of a new solid waste landfill within six (6) statute miles
26 of public use airports because the possible attraction of hazardous
27 wildlife to landfill sites is considered incompatible with safe airport
28 operations;

1 **3. No landfill located within watershed areas.** A new
2 landfill shall *not* be constructed on any property located within any
3 watershed containing rivers, tributaries and wetland areas
4 comprising a potentially significant source of fresh water for
5 drinking, farming and other uses.

6 **4. Reevaluation of sites.** The Department of Public Works
7 (DPW) and the Guam Environmental Protection Agency (GEPA) are
8 required to reevaluate all possible landfill sites, beginning with those
9 already identified and required by Public Law 23-95.