

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

139
Bill No. (EC)

Introduced by:

R.J. Respicio
B.J. Cruz 

AN ACT TO CREATE A RECYCLING ENTERPRISE ZONE
AT THE JOSE D. LEON GUERRERO COMMERCIAL
PORT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Mina'bente Ocho Na*
3 *Liheslaturan Guåhan* finds that it is the established policy of the government of
4 Guam to promote and support recycling as an essential means to protect the
5 environment and to effectively manage the solid waste generated by the
6 community. This policy is clearly stipulated in the Integrated Solid Waste
7 Management Plan as adopted in Public Law No. 25-175. Numerous other
8 public laws also support recycling through policy initiatives and incentives,
9 including Public Law No. 25-127 which provided for tax incentives for
10 recycling operations inclusive of the transshipment of recyclable materials.

11 *I Liheslatura* finds that, with respect Section 7.10.4 of the Integrated
12 Solid Waste Management Plan, the setting aside of land at the Jose D. Leon
13 Guerrero Commercial Port for a center to recycle automobiles, one of the
14 major environmental concerns for our community is a key component.

15 *I Liheslatura* finds that the absence of effective recycling and disposal
16 operations has resulted in a proliferation of junk automobiles throughout the
17 island, in particular, in areas over the Northern Aquifer. The presence of

1 these junk automobiles, and the hazardous materials which these automobiles
2 carry, are a serious threat to the aquifer that is the island's major source for
3 drinking water.

4 It is therefore the intent of *I Liheslatura* to implement, in the public
5 interest, Section 7.10.4 of the Integrated Solid Waste Management Plan and
6 establish a Recycling Enterprise Zone at the Jose D. Leon Guerrero
7 Commercial Port so that, in concert with existing incentives established by
8 statute, public policy shall foster the establishment of private sector operated
9 recycling enterprises for automobiles, trucks, and tires.

10 **Section 2. Definitions.** For purposes of this Act, and except as
11 otherwise provided, the following words and phrases, together with all of
12 the common derivatives thereof, shall have the meaning ascribed to them as
13 follows:

14 (i) 'JLGCP' shall mean the Jose D. Leon Guerrero Commercial
15 Port.

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

20 (iii) 'Recycling company' means any business licensed by the
21 Department of Revenue and Taxation, and has been issued a permit, as
22 required in §51104 of Chapter 51, Title 10 of the Guam Code
23 Annotated, from the Guam Environmental Protection Agency ('GEPA')
24 to conduct business on Guam in which eighty percent (80%) of its
25 operations is specifically committed to recycling.

26 (iv) 'Transshipment' shall mean to transfer for further

1 transportation from one (1) ship or conveyance to another.

2 (v) 'Recyclable materials' means materials that still have useful
3 physical or chemical properties after serving a specific purpose for the
4 same or other purpose. Recyclable materials are as follows:

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

1 (18) heavy equipment; and

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

4 **Section 3. Establishment of Recycling Enterprise Zone.** There is
5 established a "Recycling Enterprise Zone" at the Jose D. Leon Guerrero
6 Commercial Port for use by recycling companies for the processing of
7 automobiles, trucks, and tires for recycling purposes and the transshipment
8 of recyclable materials. The size of the zone and site on the JLGCP property
9 shall be designated by the Board of Directors of the Port Authority of Guam
10 and guided by the provisions of Section 7.10.4 of the Integrated Solid Waste
11 Management Plan. Such determination shall be made within sixty (60) days of
12 the enactment of this Section and shall be made available for leasing to
13 recycling companies eligible under Section 4 of this Act. The Board of
14 Directors of the Port Authority of Guam shall determine a reasonable rate for
15 the lease of such property.

16 **Section 4. Eligibility of Recycling Companies for use of the Recycling**
17 **Enterprise Zone.** Lease space in the Recycling Enterprise Zone shall only be
18 made available to companies that satisfy the requirements to qualify for
19 Qualifying Certificates as recycling companies under the guidelines
20 established by the Guam Economic Development and Commerce Authority.