

MINA'BENTE NUEBE NA LIHESLATURAN GUÅHAN  
TWENTY-NINTH GUAM LEGISLATURE  
2007 (FIRST) Regular Session

Bill No. 26 (EC)

Introduced by:

Edward J.B. Calvo *EJC*

AN ACT AUTHORIZING *I MAGA'LAHEN GUÅHAN*  
TO EXCHANGE AN UNDIVIDED PORTION OF LOT  
NUMBER 10170-R1, MUNICIPALITY OF *DEDEDO*,  
WITH LOT NUMBER 3390-2NEW-R2, ORDOT,  
MUNICIPALITY OF *SINAJANA*, ON A VALUE FOR  
VALUE BASIS ADDRESSING NEEDED RESOURCES  
REQUIRED TOWARDS COMPLYING WITH THE  
STIPULATED CONSENT DECREE TO CLOSE THE  
ORDOT DUMP.

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

2            **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the Ordot Dump has been the official municipal solid waste disposal site  
4 for all residents and businesses on Guam, including some disposal of military  
5 wastes a half-century ago. It has far outlived its usability and has caused  
6 health and environmental risks to residents and nearby villages and  
7 developments with odor, noise, and animal vector problems, fires generating  
8 toxic fumes polluting surface waters from its leachate, which has led to a  
9 federally forced Consent Decree (U.S. District Court of Guam, 2004) that  
10 requires the government of Guam to close the dump. Public Laws 22-115, 24-  
11 139, and 24-272 mandated varying dates between April 1997 through April

1 1999 closing the Ordot Dump. These deadlines were not realistic to achieve  
2 this objective. The government of Guam engaged in four years of negotiation  
3 with U.S. EPA for a Consent Decree to settle claims for polluting the Lonfit  
4 River, and to mandate a schedule for closing the Ordot Dump and opening a  
5 Municipal Solid Waste Landfill Facility.

6 Under the Consent Decree, closure construction must be completed by  
7 October 23, 2007, and the dump must stop receiving waste by September 23,  
8 2007. This requires that steps be taken immediately to pick up the pace  
9 making up for lost time and to complete the closure process as scheduled by  
10 the Consent Decree.

11 A report addressing the closure of the Ordot Dump prepared by TG  
12 Engineers and Value Management Strategies for the Department of Public  
13 Works (DPW), highly recommended DPW to negotiate the purchase of a  
14 property located across the Ordot Dump site which DPW needs to purchase  
15 suitable fill cover. The property is Lot Number 3390-2NEW-R2 owned by  
16 Pacific Unlimited Inc.

17 The report's recommendation is based on the prospective fill site's  
18 proximity to the Ordot Dump will significantly decrease construction costs  
19 while protecting the fill source from being sold to another buyer. It is  
20 estimated through an independent licensed professional engineer, that as  
21 much as three hundred thirteen thousand five hundred sixty three (313,563±)  
22 cubic yards of suitable fill cover is present on the property. This same  
23 property has been pointed out by solid waste engineers, as an ideal potential

1 site for a *material recycling facility*. The Department of Public Works, upon the  
2 land exchange, proposes that the property be included within its upcoming  
3 comprehensive bid for all solid waste system projects, as required by the  
4 Consent Decree and the 2006 Integrated Solid Waste Management Plan.

5 Public Law 22-18 currently allows for the exchange of government  
6 property with property owners located around the Ordot Dump. It is the  
7 intent of *I Liheslaturan Guåhan* to assure the prompt compliance of the  
8 stipulated implementation of the Ordot Dump Consent Decree while  
9 providing a fair, just and equitable resolution to secure valuable resources  
10 necessary to close the Ordot Dump at a considerable cost savings through a  
11 land exchange on a value for value basis.

12 **Section 2. Authorization.** Notwithstanding any other provision of  
13 law, *I Maga'lahaen Guåhan* is authorized to exchange on a value for value basis  
14 the undivided and undeveloped portion of land located at the south eastern  
15 vicinity on government of Guam property, more particularly described as:

16  
17 **Lot Number 10170-R1**, Municipality of *Dededo*, containing  
18 a cumulative area of 110,761± square meters, described  
19 within drawing reference map number 200-FY91  
20 recorded at the Department of Land Management as  
21 Document Number 451193;

22  
23 with privately owned property more particularly described as:

24  
25 **LOT NUMBER 3390-2NEW-R2**, Municipality of *Sinajana*,  
26 Guam, belonging to Pacific Unlimited Inc., as said lot is

1 marked and designated on Map Drawing Number M 28-  
2 76, recorded under Instrument Number 275817 filed at  
3 the Department of Land Management, government of  
4 Guam. Said map shows the area to be 280,176± Square  
5 Feet or 26,029.19± Square Meters.  
6

7 **Section 3. Facilitation of Land Exchange.**

8 (a) The Directors of the Department of Land Management and the  
9 Department of Public Works shall facilitate for *I Maga'lahaen Guåhan* the  
10 exchange of land provided for in Section 2 upon the completion of two  
11 (2) appraisals on all lands concerned prepared by two (2) different  
12 licensed real estate appraisers, one of whom shall be selected by the  
13 Department of Land Management and the other by the private  
14 landowner. The average of the two (2) appraisals shall be used as the  
15 value for the transfer. Appraisals shall correspondingly be paid for by  
16 each property owner. The land exchange shall be accomplished within  
17 one hundred eighty (180) days from the enactment hereof.

18 (b) The sum of up to Eight Thousand Dollars (\$8,000) is hereby  
19 authorized to be expended from the sums appropriated to the  
20 Department of Land Management and the Department of Public Works  
21 in Items (j) and (g) of Section 1, Part I of Chapter IV, Public Law 28-150,  
22 "*General Appropriations Act of Fiscal Year 2007*", to pay for appraisals  
23 conducted on government-owned property in accordance with  
24 Subsection (a). The Directors shall mutually agree on a cost share in  
25 carrying out the provisions of this Act.

1           (c) Upon the exchange of land, Lot Number 3390-2NEW-R2,  
2 Sinajana, shall be placed under the control, management and inventory  
3 of the Department of Public Works and shall be utilized to meet the  
4 Ordot Landfill Consent Decree requirements; and, reserved as a *material*  
5 *recycling facility* site proposed in the 2006 Integrated Solid Waste  
6 Management Plan.

7           (d) The Department of Land Management and the Department  
8 of Public Works shall assist in the performance of the necessary  
9 surveying, mapping and registration of the properties to be exchanged.

10           **Section 4. No Prohibition Against Building.** Nothing contained  
11 in this Act shall be construed to prevent or prohibit the party receiving  
12 exchange government land from improving such land or from building,  
13 erecting or constructing structures approved in accordance with the  
14 building and zoning codes of Guam.