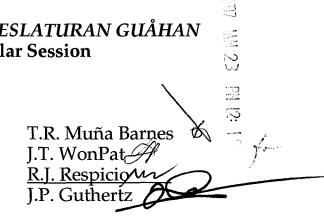
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN 2007 (FIRST) Regular Session

Bill No. 35(EC)

Introduced by:

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AN ACT TO REQUIRE THAT THE DEPARTMENT OF PUBLIC WORKS AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY FOLLOW PUBLIC LAW 23-95 REGARDING THE SITE FOR A NEW LANDFILL, AND TO EXCLUDE THE PREVIOUSLY SELECTED AREA OF DANDAN, AS WELL AS ANY PROXIMATE LOCATION LOCATED PARTIALLY OR COMPLETELY WITHIN THE INARAJAN RIVER WATERSHED AS A SITE UPON WHICH A LANDFILL MAY BE PLACED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Legislative Findings and Intent. I Liheslaturan Guåhan 2 Section 1. 3 finds that a dump is a place where a variety of materials are deposited, and the mixture of these are in all likelihood toxic or otherwise dangerous. The 4 Ordot Dump, first opened by the United States Department of War prior to 5 civil self-government on Guam, has been nationally recognized as an 6 environmental threat to the health and safety of the people of Guam, 7 8 especially the residents of Ordot-Chalan Pago and surrounding areas. All 9 manner of waste, including lethal and hazardous materials, is being disposed of in the Ordot Dump, which does not have the federally required 10 lining to prevent liquids and semi-liquids (leachate) from seeping into the 11 ground. This results in such liquids mixing with ground water, spreading 12 into adjacent rivers and flowing into the ocean, negatively affecting the air, 13 soil and all living things. The seepage of such leachates into our 14

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groundwater threatens the sanctity of our groundwater resource and the
 general health and welfare of the people of Guam.

I Liheslaturan Guåhan finds that Public Law 22-115, enacted in 1994,
mandated the closure of the *Ordot* Dump no later than three (3) years after
the effective date of that law, a goal that has obviously not been reached.
Public Law 23-95, enacted in 1996, identifies primary and secondary sites
for the landfill and this law is still in effect.

8 *I Liheslaturan Guåhan* finds that the proposed *Dandan* site identified 9 by the Guam Environmental Protection Agency (GEPA) as suitable for a 10 landfill is located within the *Inarajan* River watershed containing several 11 sources of fresh water including the *Tinaga, Fensu,* and *Finatasa* Rivers; 12 various other tributaries, and wetland areas comprising a potentially 13 significant source of fresh water for drinking, farming and other uses.

14 It is, therefore, the intent of *I Liheslaturan Guåhan* to exclude the 15 *Dandan* site from consideration for location of a sanitary landfill for Guam, 16 and to require that Department of Public Works (DPW) and GEPA to 17 follow existing law in selecting a location to site the landfill to replace the 18 Ordot Dump, and to exclude the *Dandan* area as a potential site.

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

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1. DPW and the Guam Environmental Protection Agency (GEPA) shall follow existing statutes, including specifically Public Law 23-95, enacted in 1996, which identifies the primary and secondary sites for the construction of a sanitary landfill. Should

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1 DPW and GEPA determine that, even with the implementation of 2 extensive mitigation, both sites identified in P.L. 23-95 are completely 3 unsuitable for use as a landfill, only then shall a site other than those 4 listed in P.L. 23-95 be identified, with the following conditions:

No landfill to be located in Dandan. The site for a 5 a. new landfill shall not be on any property located near, adjacent 6 to or above the Inarajan River watershed, in which the Dandan 7 site is located, and which contains several sources of fresh 8 9 water including the Tinaga, Fensu, and Finatasa Rivers, as well 10 as various other tributaries, and wetland areas comprising a potentially significant source of fresh water for drinking, 11 farming and other uses. 12

b. No landfill to be located within other watershed
areas. The site for a new landfill shall *not* be on any property
located within any watershed containing rivers, tributaries and
wetland areas comprising a potentially significant source of
fresh water for drinking, farming and other uses.