

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

Bill No. 35(E)

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.

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
10 disposed of in the *Ordot* Dump, which does not have the federally required
11 lining to prevent liquids and semi-liquids (leachate) from seeping into the
12 ground. This results in such liquids mixing with ground water, spreading
13 into adjacent rivers and flowing into the ocean, negatively affecting the air,
14 soil and all living things. The seepage of such leachates into our

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

3 *I Liheslaturan Guåhan* finds that Public Law 22-115, enacted in 1994,
4 mandated the closure of the *Ordot* Dump no later than three (3) years after
5 the effective date of that law, a goal that has obviously not been reached.
6 Public Law 23-95, enacted in 1996, identifies primary and secondary sites
7 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.

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

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

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:

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

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