

MINA BENTE MUEBE NA LIHESLATURAN GUAHÃN
TWENTY- NINTH GUAM LEGISLATURE
2008 (SECOND) Regular

Bill No. 395(LS)

Introduced by:

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AN ACT TO APPROPRIATE TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FROM THE GUAM TERRITORIAL HIGHWAY FUND REVENUES FOR THE DESIGNATION OF SPECIAL COUNSEL TO SPECIFICALLY INIATE ANY AND ALL LEGAL ACTION AS DEEMED NECESSARY FOR THE NEGOTIATION AND RECOVERY FROM THE U.S FEDERAL GOVERNMENT NO LESS THAN HALF THE TOTAL AMOUNT, AS MANDATED BY THE FEDERAL GOVERNMENT, FOR THE COST OF CLOSURE OF ORDOT DUMP AND THE OPENING OF A NEW LANDFILL ON GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Finding and Intent. *I Liheslaturan Guahãn* finds, that the
3 Federal government through the Deparmtent of Defense, did open and operate Ordot

1 dump as toxic waste site for more than three (3) decades, disposing of toxic chemicals
2 and unexploded ordinances at Ordod throughout this period of federal control.

3 *I Liheslaturan Guahån* further finds, that the federal government eventually
4 turned the dump over to civilian control in the mid-70s without providing for
5 mitigation of pollution and toxic wastes, neglecting to provide and cover the cost of
6 remediation for the dump site prior to or after turning the dump over to the
7 government and people of Guam. It is noted that although several superfund programs
8 were subsequently established, and Ordod identified as one of the nation's worst toxic
9 dump sites, the federal government failed to apply these funds for the closure of the
10 dump and were remiss in seeing that superfund revenues as well as brownfield
11 resources were directed towards Guam and the closure of the dump.

12 In addition to these findings, *I Liheslaturan Guahån* takes note that decades after
13 the establishment of the dump, new laws were put in place by the federal government
14 that did not allow for the construction of a dumpsite within a specific radius of the
15 airport making it difficult on an island the size of Guam to find a new site that is not a
16 threat to pristine environments and water resources or acceptable to the vast majority of
17 the people of Guam. *I Liheslaturan Guahån* finds, that the lack of coordination between
18 federal agencies on this matter has led to a situation where the forced closure of the
19 Ordod dump, without a co-commitment from the military or federal government to
20 uphold their share of this burden and obligation, amounts to a repressive unfunded
21 mandate on the territory of Guam by the U.S. government.

22 It is the intent of *I Liheslaturan Guahån* to require that the federal agencies
23 responsible for pushing forward the closure of Ordod and opening of a new landfill take
24 responsibility and ownership of their obligations to the people of Guam and the island's
25 government by recovering no less than fifty percent (50%) of the costs of closing Ordod

1 and opening a new landfill, which *I Liheslaturan Guahån* finds to be a fair and equitable
2 share as the federal government did open and operate Ordot for more than half of its
3 life and because the military population intends to participate in and use any new
4 landfill that the government of Guam may open.

5 **Section 2. Funding.** The sum of two hundred thousand dollars (\$200,000.00) is
6 appropriated from the FY 2009 Guam Territorial Highway Fund revenues to the Office
7 of the Attorney General of Guam for the designation of Special Counsel for the express
8 purpose of initiating legal action against the U.S. government for the recovery of no less
9 than fifty percent (50%) of the total costs for the closure of the Ordot dump, the
10 mitigation and remediation of all lands and natural resources following federal
11 guidelines for contaminated and toxic waste and dump sites, and share an equitable
12 cost for the opening of a new landfill by the government of Guam as mandated by the
13 federal government through its agencies.

14 This appropriation may include the hiring of relevant personnel, the procuremtn
15 of professional services and other and all reasonable costs necessary to successfully
16 pursue this unfunded and debilitating federal mandate on the people of Guam. For this
17 specific purpose, the Office of the Attorney General of Guam is exempted from any and
18 all restrictions on the hiring of limited term appointments and unclassified personnel
19 and employees. These funds shall be made available immediately for expenditure by
20 the Office of the Attorney General.