

FILE COPY

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session**

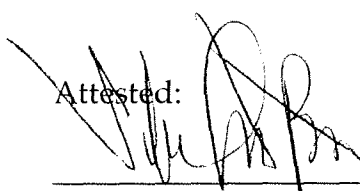
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 414-30 (COR), "AN ACT TO ADD A NEW §49119 AND A NEW §49104(r) TO CHAPTER 49 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE ULTRA-LOW SULFUR DIESEL FUEL STANDARD FOR DIESEL FUEL IN GUAM"**, was on the 16<sup>th</sup> day of August, 2010, duly and regularly passed.



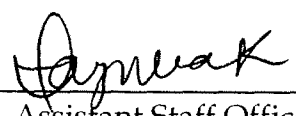
**Judith T. Won Pat, Ed. D.  
Speaker**

Attested:



**Tina Rose Muña Barnes  
Legislative Secretary**

This Act was received by *I Maga'lahaen Guåhan* this 17<sup>th</sup> day of Aug., 2010, at 4:40 o'clock P.M.



**Assistant Staff Officer  
*Maga'lahaen's Office***

APPROVED:

**FELIX P. CAMACHO  
*I Maga'lahaen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*I MINA'TRENTA NA LIHESLATURAN GUÅHAN*  
**2010 (SECOND) Regular Session**

**Bill No. 414-30 (COR)**

As substituted by the Committee on Rules,  
Natural Resources, and Federal, Foreign & Micronesian Affairs,  
and amended on the Floor.

Introduced by:

Telo Taitague  
R. J. Respicio  
B. J. F. Cruz  
T. C. Ada  
Judith P. Guthertz, DPA  
V. Anthony Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
J. V. Espaldon  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD A NEW* §49119, AND A *NEW* §49104(r)  
TO CHAPTER 49 OF TITLE 10, GUAM CODE  
ANNOTATED, RELATIVE TO CREATING THE *ULTRA-  
LOW SULFUR DIESEL FUEL STANDARD* FOR DIESEL  
FUEL IN GUAM.**

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

2        **Section 1.** §49119 of Chapter 49 of Title 10, Guam Code Annotated, is  
3 hereby renumbered as §49120.

4        **Section 2.** A new §49119 is *added* to Chapter 49 of Title 10, Guam Code  
5 Annotated, to read as follows:

1           **“§49119. Ultra-Low Sulfur Diesel Fuel Standard.**

2           Notwithstanding any other provision of law, rule or administrative policy or  
3           waiver, effective January 1, 2011, all diesel fuel imported to Guam for the  
4           purpose of sale and distribution in Guam *shall* meet the USEPA standards  
5           for *ultra-low sulfur diesel fuel*. For purposes of this Section, *ultra -low*  
6           *sulfur diesel fuel shall* be generally defined as fuel that contains fifteen parts  
7           per million (15ppm) or less of sulfur content, as established by the USEPA  
8           Direct Final Rule. The Guam Environmental Protection Agency Board of  
9           Directors *shall* create compliance standards for diesel fuel. Any waivers of  
10          the fifteen parts per million (15ppm) sulfur content standard of this Section  
11          *shall* require approval by *I Liheslaturan Guåhan.*”

12          **Section 3.** A new §49104(r) is hereby *added* to Chapter 49 of Title 10,  
13          Guam Code Annotated, to read:

14                 “(r) establish, as directed by the Board of Directors, a task force for  
15                 conducting research on the issue of Guam’s transition to the use of ultra-low  
16                 sulfur diesel (ULSD); and to analyze the information that surfaces from said  
17                 research, with specific consideration of all related factors, including, but *not*  
18                 limited to, the transition to ULSD in the mainland U.S.; the exemptions in  
19                 place for Guam and the regional islands; the overall cost impact for suppliers  
20                 and consumers, including individuals paying at the pump and affected  
21                 agencies of the government of Guam; infrastructure needs; the impact this  
22                 transition will have to the Marianas region; supply sources for Guam; local  
23                 and regional demand; a general timeline reflecting Guam’s transition to  
24                 ULSD; and the establishment of any necessary benchmark dates for the  
25                 transition period.

26                 This task force *shall* be comprised of members of the public and  
27                 private sector and *shall* meet bi-weekly until such time that a written report

1 of its findings and recommendations is submitted to *I Liheslatura*, which  
2 *shall* be done *no later than* December 1, 2010.”

3 **Section 4. Effective Date.** The provisions of this Act *shall* be effective  
4 upon enactment. The requirements of the Guam Environmental Protection Agency  
5 as stipulated in Section 3 of this Act *shall* be met within thirty (30) days of  
6 enactment of this Act.

7 **Section 5.** All bulk storage tanks used to store diesel fuel intended for sale  
8 or re-sale *shall* be sampled and tested in accordance with 40 CFR, Part 80, Subpart  
9 I for the purpose of certifying that the fuel meets the required ultra-low sulfur  
10 diesel (ULSD) content of 15ppm or less. The ULSD certification *shall* be posted in  
11 a manner consistent with 40 CFR, Part 80, Subpart I, and that can be viewed for  
12 inspection by regulatory officials and the general public. Wholesale and retail  
13 suppliers of ULSD (15ppm or less) fuel *shall* comply with the certification  
14 requirement upon depletion of diesel fuel containing higher than 15ppm of sulfur.