

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

**Resolution No. 103 (LS)**  
**Introduced by:**

R.J. Respicio  
T.R. Muña Barnes  
J.P. Guthertz  
D.L.G. Shimizu  
A. B. Palacios, Sr.

15) J. WonPat

Relative to stating the sense of *I Mina'bente Nuebi Na Liheslaturan Guahan* that the location of Guam's new landfill has already been determined by Public Law 23-95 and that the selection of *Dandan/Layon* area for a landfill is contrary to existing Guam law, is in violation of the Federal Consent Decree, and also ignores the necessity of developing the water resources within the *Inarajan* Watershed for future use including addressing the need for as much as a 25% increase in the need for fresh water for the upcoming military buildup; and to request that the information contained herein and attached as exhibits, be included in the court record of Civil Case No. 02-00022 before the District Court of Guam, relative to the Consent Decree to close the *Ordot* Dump and open a new sanitary landfill in Guam.

10 38  
epm

1 **BE IT RESOLVED BY I MINA'BENTE NUEBI NA LIHESLATURAN**

2 **GUAHAN:**

3 **WHEREAS**, in an Order filed in the U.S. District Court on December  
4 14, 2007 by Chief Judge Frances M. Tydingco-Gatewood, the Judge listed  
5 ten (10) issues relative to Civil Case No. 02-00022 concerning the Consent  
6 Decree to close the *Ordot* Dump and open a new sanitary landfill, the ten

1 (10) issues including those that the Judge felt were essential to ensure that  
2 the Government of Guam come into compliance with the Consent Decree;  
3 and

4 **WHEREAS**, upon review it is apparent that several of Chief Judge  
5 Tydingco-Gatewood's rulings were made without relevant information  
6 pertinent to the ten (10) issues as well as to the entire Consent Decree;  
7 information that may not have been made a part of the court record; and

8 **WHEREAS**, Chairman of the Legislative Committee on Judiciary,  
9 Natural Resources, Infrastructure and Cultural Affairs Senator James V.  
10 Espaldon and several minority party members of the Guam Legislature are  
11 also members of the Solid Waste Law Review Commission ("LRC"), which  
12 was established by Executive Order 2007-09, promulgated by *I Maga'laha*  
13 *Guåhan* on July 23, 2007, in response to a U.S. Magistrate Judge's  
14 recommendation that such a Commission should be created to be "tasked  
15 with developing a general legislative policy ... with regard to the closure of  
16 the Ordot Dump and the construction of a new landfill...;" and

17 **WHEREAS**, In his recommendation to Chief Judge Tydingco-  
18 Gatewood, the Magistrate Judge recommended that the LRC draft  
19 legislation to create a public corporation that would assume and perform  
20 the functions of the Solid Waste Management Division of the Department

1 of Public Works, and transform DPW's Solid Waste Management Division  
2 into an entity "that can effectively handle all aspects of solid waste  
3 management without sacrificing the health and safety of the people of  
4 Guam;" and

5         **WHEREAS**, Senator Tina Rose Muña Barnes, an alternate minority  
6 party Legislative member to the LRC, wrote to Attorney General Alicia G.  
7 Limtiaco on November 23, 2007 and December 5, 2007 concerning the  
8 Consent Decree, and making specific requests to the Attorney General  
9 requesting that pertinent information be made available to the U.S. District  
10 Court and Judge Tydingco-Gatewood; and

11         **WHEREAS**, in response to Senator Muña Barnes' requests, a  
12 December 14, 2007 letter from the Office of the Attorney General was hand  
13 delivered to the Senator by Deputy Attorney General J. Patrick Mason  
14 stating that the Office of the Attorney General was declining to make such  
15 information available to the Court, writing that: "Pursuant to our Guam  
16 Rules of Professional Conduct and ethics rules to which we, as legal  
17 counsel, must adhere, and the differing positions taken by the Executive  
18 and Legislative branches in this matter; the Office (of the Attorney General)  
19 is not able to file a motion on your behalf to place your letter(s) into the  
20 record;" and

1           **WHEREAS**, in the December 14 letter Deputy Attorney General  
2 Mason also wrote that “Senator James Espaldon, Chair of the (LRC), has  
3 already made an appearance in Court regarding the case and has stated the  
4 LRC’s position regarding the site of the proposed landfill and other matters  
5 the LRC has discussed ... The Chair of the LRC ... may be allowed to again  
6 address the Court at future status hearings;” and

7           **WHEREAS**, based on the suggestion by the Deputy Attorney  
8 General, Minority Representative to the LRC Senator Rory J. Respicio and  
9 Senators Muña Barnes and Judith P. Guthertz, who is also an alternate LRC  
10 member, have written to LRC Chair Senator Espaldon enclosing letters and  
11 information that they wish to make part of the Court record; and

12           **WHEREAS**, in his meeting with Senator Muña Barnes, Deputy AG  
13 Mason also verbally stated that the Governor of Guam, a party to the  
14 District Court proceedings, could also make documents a part of the Court  
15 record based on a request from the LRC, and that a Resolution stating the  
16 sense of *I Liheslaturan Guåhan* may also be considered by the Court; and

17           **WHEREAS**, *I Liheslatura* finds that there are a number of troubling  
18 issues related to the proposed *Dandan/Layon* site, from the violation of  
19 existing Guam law, to proposing the endangerment of existing fresh water  
20 resources, to the possibility of expenditures contrary to Guam procurement

1 law, and although LRC Chair Senator Espaldon has been asked to present  
2 some documents to the District Court, *I Liheslatura* believes that only in a  
3 resolution approved by a majority of its members can the full measure of  
4 the *I Liheslatura's* intent be known; and

5 **WHEREAS**, *I Liheslatura* makes the following findings relative to the  
6 site-selection process and the Consent Decree:

7 **Finding 1: The selection of the Dandan/Layon site is contrary**  
8 **to Guam law.** Public Law 23-64 requires Guam EPA to prepare  
9 "legislative action as may be required for new disposal sites."  
10 According to 10 G.C.A. §51103(a)(6), the next landfill site must be  
11 selected by *I Liheslatura*. Therefore, the site-selection process  
12 contained in the Consent Decree does not comply with Guam law as  
13 it excludes *I Liheslatura* from the site-selection process.

14 **Finding 2: Public Law 23-95 requires the landfill to be located**  
15 **at Guatali or Mala'a or both.** In accordance with § 51103(a)(6), *I*  
16 *Liheslaturan Guåhan* selected *Guatali* or *Mala'a* or both as the location  
17 for the new landfill via Public Law 23-95. This law has never been  
18 repealed and is still in effect. In *San Miguel v. Dept. of Public Works* CV  
19 892-04 taxpayer citizens are seeking to enjoin GovGuam from  
20 proceeding with the Dandan site in light of P.L. 23-95. Although the

1 trial court denied an injunction motion primarily on the basis that it  
2 was deferring to the administrative agency, the argument in favor of  
3 the validity of P.L. 23-95 is that an administrative agency, by  
4 employing certain criteria as “exclusionary” without a scientific basis,  
5 is acting in an arbitrary and capricious manner. Since Public Law 23-  
6 95 was enacted, there has been no enactment by *I Liheslatura* granting  
7 any executive agency the authority to select landfill sites other than  
8 *Guatali* or *Malaa*. The Consent Decree requires compliance with  
9 Guam law.

10 **Finding 3: Guam EPA not authorized to select a final site.**

11 Under the provisions of 10 G.C.A. § 51119(a)(6), the Solid Waste  
12 Management Plan adopted by the Guam EPA includes “an  
13 identification of potential sites for future sanitary landfills” but does  
14 not grant authority to select a final site.

15 **Finding 4: The site selection process excluded available**

16 **Federal property.** The site selection process entered into by Guam  
17 EPA did not identify potential sites for a landfill on Federal property  
18 without discussing with the Federal Government the possibility of  
19 utilizing Federal property for a future landfill or entering into a land  
20 exchange with the Government of Guam. It is appropriate to discuss

1 such options with the Federal Government due to the need for such  
2 facilities by the United States Air Force and the United States Navy,  
3 as the sanitary landfills being utilized by these branches of the United  
4 States Armed Forces are near capacity.

5 **Finding 5: Guam EPA selection criteria was not applied**  
6 **consistently to the sites considered.** The site selection process  
7 entered into by Guam EPA to identify potential sites for a landfill  
8 was flawed from the beginning when different criteria were used to  
9 rate potential sites; specifically:

10 a. Potential landfill sites in northern Guam were summarily  
11 eliminated from consideration at the outset in order to assure  
12 protection of valuable fresh water resources. This same criteria  
13 was extended to valuable fresh water resources elsewhere in  
14 Guam, including the *Talofof* watershed which feeds the *Ugum*  
15 River dam, but was not extended to the selection of the  
16 *Dandan/Layon* site, which had already been identified by Guam  
17 Waterworks for future water resource development; and

18 b. Guam EPA crafted unnecessarily restrictive criteria to  
19 eliminate potential sites from consideration. The additional  
20 restrictions were not put in place by the U.S. Environmental

1 Protection Agency to safeguard the people of Guam or to  
2 protect our island's valuable environmental resources, but  
3 rather to eliminate potential sites by setting an artificial  
4 property size limit not contained in federal law or regulation, as  
5 a basis to remove the *Guatali* site identified in Public Law 23-95  
6 from consideration.

7 **Finding 6: The site selection process entered into by Guam  
8 EPA did not follow the Consent Decree requirements because it  
9 included two (2) sites ineligible by application of Federal Policy.**

10 During the process of narrowing its selection to the three final sites  
11 pursuant to the Consent Decree, two sites, *Sabanan Batea* in *Yona*, and  
12 *Lonfit* in *Asan*, did not meet Federal criteria and should have been  
13 automatically excluded. Based on the Department of Transportation's  
14 Federal Aviation Administration Advisory Circular No. 150/5200-34  
15 and the Aviation Investment and Reform Act for the 21st Century,  
16 which forbid the construction or establishment of a new solid waste  
17 landfill within six (6) statute miles of public use airports, the *Sabanan*  
18 *Batea* and *Lonfit* sites, as well as the *Ordot* Dump, are well within that  
19 radius. An argument could be made that by selecting two sites that  
20 could not be considered, the *Dandan* site would have to be selected.



1 Guam EPA did not select two alternate sites to replace *Sabanan Batea*  
2 and *Lonfit* on the short list, leaving only *Dandan* for selection.

3 **Finding 7: The updated 2006 Solid Waste Management Plan**  
4 **containing the *Dandan/Layon* site designation is not valid and was**  
5 **not adopted pursuant to the Guam Administrative Adjudication**  
6 **Act.**

7 a. The updated 2006 Solid Waste Management Plan provides  
8 that the new Municipal Solid Waste Landfill Facility  
9 (“MLSWF”) will be at *Dandan/Layon*, and the agency’s  
10 regulations were deemed approved because they had not been  
11 disapproved by the Legislature within 90 days Under the  
12 Administrative Adjudication Act (“AAA”), however,  
13 regulations cannot supercede law, thus the 2006 Solid Waste  
14 Management Plan is invalid. See AmJur 2d Administrative Law  
15 § 223.

16 b. The AAA process requires an Economic Impact Statement  
17 (“EIS”) for any regulation promulgated under the AAA that  
18 will cost the general public in excess of \$500,000. 5 G.C.A. §  
19 9301. The 2006 Solid Waste Management Plan was submitted  
20 without an EIS, despite the presence of Sec 6.5.2 that

1 specifically requires the development of the *Dandan/Layon* site,  
2 the cost of which is expected to be well over \$180 million. An  
3 EIS was never prepared by Guam EPA because its  
4 administrator certified that the cost to the public to implement  
5 the 2006 Solid Waste Management Plan would be less than  
6 \$500,000. To date, GovGuam has already spent in excess of \$10  
7 million on the proposed *Dandan/Layon* site that has never been  
8 approved by public law, and the Federal court has ordered  
9 GovGuam to spend at least \$1.3 million to condemn a site that  
10 was selected absent any legal authority. The Consent Decree  
11 requires compliance with Guam law.

12 **Finding 8: The United States Environmental Protection**  
13 **Agency is complicit in the violation of Guam Law relative to the**  
14 **site selection process.** The Consent Decree requires Guam law to be  
15 followed in the site selection process. By virtue of the United States  
16 Environmental Protection Agency approving the *Dandan/Layon* site  
17 without legislative approval, it has taken a position contrary to Guam  
18 Law and the requirements of the Consent Decree.

19 **Finding 9: Local legislation guarantees accountability,**  
20 **transparency, and full-disclosure of landfill plans to *I Liheslatura***

1       **and the people of Guam.** Assistant U.S. Attorney Mikel Schwab was  
2       quoted in Guam's media as saying: *"Instead of seeking to expedite*  
3       *GovGuam's compliance, the Guam Legislature chose to place additional*  
4       *hurdles in DPW's path."* This statement was challenged in a November  
5       23, 2007 letter to Attorney Schwab from Senator Muña Barnes, who  
6       stated that the provisions in P.L. 29-19 require fiscal accountability  
7       for the expenditure of government funds. Chief Judge Tydingco-  
8       Gatewood wrote in her Order of December 14, 2007: *"The court is*  
9       *deeply concerned that there is legislation enacted that seemingly prohibits*  
10       *the opening of the new landfill. It cannot be ignored that GovGuam has*  
11       *already contracted approximately \$9.3 million in work under the Consent*  
12       *Decree."* *I Liheslatura* is unaware of legislation in place that would  
13       prohibit opening a new landfill, however P.L. 29-19 does require that  
14       DPW must fully account for the funds they are expending. In her  
15       letter to Attorney Schwab, Senator Muña Barnes wrote:

16                *"The contract for the construction plans for the Layon/Dandan*  
17       landfill was initiated in 2005. In subsequent change orders to this  
18       contract, the scope of work was expanded to include an  
19       environmental impact study for the *Layon/Dandan* site, the  
20       construction of a temporary road, and a hydrogeologic study, among

1 other items. All of this was initiated without clear title to the property  
2 and contrary to established GovGuam procurement processes,  
3 perhaps done in a panicked response to Consent Decree  
4 requirements.

5 “With regard to the funding requirements for *Layon/Dandan*,  
6 (DPW) has not yet provided *I Liheslatura* with the amount necessary  
7 to finance the closure of the *Ordot* Dump and open a new landfill.”  
8 The Legislature was expressing concern that “estimates of amounts  
9 as high as \$10 Million that have already been spent on work at the  
10 *Layon/Dandan* site without any of the following:

- 11 a. Legislative appropriation, or
- 12 b. A statute identifying the site for the new landfill, or
- 13 c. GovGuam possessing clear title to the property  
14 containing the *Layon/Dandan* site.

15 “For that reason *I Liheslatura* included in Public Law 29-19 a  
16 requirement that GovGuam ‘...shall not expend funds on site-specific  
17 preparation, design work, mitigation, infrastructure upgrade or  
18 installation, or construction of a new landfill, unless the Government  
19 of Guam has acquired and recorded fee simple ownership of the  
20 property in question.’ This language can be found in item (b) of

1 Section 98, Chapter VI. The intent of this provision of law is solely to  
2 require accountability by our government on millions of dollars of  
3 expenditures of government funds that are currently taking place on  
4 private property, and most likely inflating its value, before GovGuam  
5 has made a realistic attempt to acquire said property. Further, items  
6 (c) and (d) of the same section specifically mandate the following:

7 ““(c) Landfill Financing Plan. Within 60 days of the effective  
8 date of this Act, the Department of Public Works shall submit to *I*  
9 *Maga’lahen Guåhan* and *I Liheslaturan Guåhan* a financing plan  
10 enumerating in detail all costs associated with the construction of the  
11 new landfill, including but not limited to:

12 a. Property acquisition,

13 b. Environmental mitigation within the landfill footprint,  
14 buffer zone, and other impacted areas including but not limited  
15 to water sources, rivers, streams, tributaries, wetlands, surface  
16 water, ground water, drainage, and runoff erosion;

17 c. Infrastructure needs, including but not limited to power;  
18 water; wastewater, and roadways including climbing lanes for  
19 trucks; mitigation of blind-curves and other hazards; shoulder  
20 widening; roadway widening; addition of new traffic lanes;

1 traffic management; drainage and storm drainage  
2 improvements; access and utility roads; upgrading road  
3 markings and signage, and upgrading bridges;

4 d. Landfill construction, and

5 e. Annual landfill operations and maintenance costs.

6 ““(d) The Director of Public Works, the Administrator of the  
7 Guam Environmental Protection Agency, and any other head of an  
8 executive branch or agency that has expended funds on a new  
9 landfill shall, within thirty (30) days of passage of this Act, submit a  
10 report regarding the purpose, amount and source of that expenditure  
11 to the Speaker of *I Liheslaturan Guåhan*.”

12 ““Strict time limits were placed on submittal of the financing  
13 plan and reporting on expenditures so as to delay the process at little  
14 as possible. Please note that while DPW has presented cost analyses  
15 for the closure of *Ordot Dump* and the opening of a new landfill at  
16 the *Layon/Dandan* site, these cost-estimates have fluctuated  
17 significantly. I recall that during the 27th Guam Legislature, these  
18 costs were pegged at \$80 Million. Now such estimates hover at  
19 around \$229 Million. We must be certain of this amount given the

1 challenging economic conditions currently being experienced in  
2 Guam.”

3 **Finding 10. The *Dandan/Layon* site poses a detrimental**  
4 **impact to the population of Guam.** Chief Judge Tydingco-Gatewood  
5 wrote in her Order of December 14, 2007: “According to Messrs. Tor  
6 Gudmudsen, a professional civil engineer, and Pankaj Arora, an  
7 environmental engineer for the USEPA Region IX, the *Dandan* site  
8 will pose no risk to the nearby water sources and no risk of leachate  
9 as the new landfill will have a minimum of a five-foot liner. See  
10 Docket No. 170. Additionally, a site visit to *Dandan* conducted by the  
11 court revealed the existence of monitoring wells designed to further  
12 prevent the risk of contamination. There is nothing in the court’s  
13 record to indicate that the selection of *Dandan* – the landfill site  
14 selected by GovGuam – will have a detrimental impact to the  
15 population of Guam...”

16 A U.S. Geological Survey Fact Sheet, No. FS-040-03 entitled  
17 “*The Norman Landfill Environmental Research Site: What Happens to the*  
18 *Waste in Landfills?*” has a very different perspective. The Fact Sheet  
19 states: “Although liners and leachate collection systems minimize  
20 leakage, liners can fail and leachate collection systems may not collect

1 all the leachate that escapes from a landfill. Leachate collection  
2 systems require maintenance of pipes, and pipes can fail because they  
3 crack, collapse, or fill with sediment. The USEPA has concluded that  
4 all landfills eventually will leak into the environment..." This is a  
5 widely known and accepted fact, and it is the reason that USEPA  
6 requires sensors and monitoring leak detection devices for all  
7 landfills.

8 **Finding 11: The *Dandan/Layon* site is located on a future**  
9 **water source.** In her November 23, 2007 letter to U.S. Attorney Mikel  
10 Schwab, Senator Muña Barnes quoted the following from a letter  
11 dated June 14, 2005, from environmental engineers and consultants  
12 Brown & Caldwell (B&C) to then-General Manager David Craddick  
13 of Guam Waterworks, in which B&C Chief Hydrogeologist Martin G.  
14 Steinpress makes the following points:

15 a. "Although GWA's *Fena* surface water reservoir and *Ugum*  
16 diversion currently supply southern Guam, future needs may  
17 require groundwater development. Since groundwater beneath  
18 *Layon* falls within the G-1 Resource Zone category, it must be  
19 protected to drinking water quality standards."



1 b. "The SEIS acknowledges that the *Inarajan* River has been  
2 identified as a potential site for a surface water dam and/or  
3 reservoir. SEIS Figure 3-1 also shows proposed reservoir  
4 and/or diversion sites on the *Tinago* River ... both of these  
5 proposed sites would be downstream of the proposed landfill  
6 site."

7 c. "In spite of the SEIS claim that "no plans are currently in  
8 place to develop groundwater or surface water supplies in the  
9 *Layon* Area ... GWA considers (the *Inarajan* and *Tinago* Rivers)  
10 as potentially viable and necessary for the future water supply  
11 needs. In fact, the pre-draft Guam Water Budget Report ...  
12 recommends that consideration be given to investigating the  
13 feasibility of diversions at other rivers in addition to the  
14 *Ugum*..."

15 d. "No citations or evidence is provided that the limestone  
16 aquifer tapped by the *Malojloj* wells is either limited in extent or  
17 that groundwater within it is not continuous with that in the  
18 volcanic formations in the *Layon* area."

19 e. "...previous well yields do not rule out development of an  
20 economic groundwater resource in either the limestone or

1 volcanic aquifers of Southern Guam ... well yields comparable  
2 to northern Guam are possible.”

3 **Finding 12: GEPA selection criteria relative to water sources**  
4 **was not consistently applied to the *Dandan/Layon* site.** Senator  
5 Guthertz has opined on several occasions on the seeming lack of  
6 common sense in the actions and decisions regarding closing the  
7 *Ordot* Dump and opening a landfill. In her column in the *Marianas*  
8 *Variety* of June 14, 2007, and with the knowledge that all landfills will  
9 eventually leak into the environment, Senator Guthertz pointed out  
10 that during the process to select sites for the proposed landfill, “...  
11 areas near water resources were excluded, including locations near  
12 *Ugum* River and northern Guam... the ‘experts’ excluded Guam’s  
13 water resources to protect them from poisoning because landfill  
14 liners ALWAYS leak. Although the *Inarajan* watershed can produce  
15 seven million gallons of water every day, it was not eliminated (from  
16 the list of possible landfill sites), suggesting that something was  
17 wrong with the (site selection) process.

18 **Finding 13: The Consent Decree allows for the construction of**  
19 **a private sanitary landfill.** On December 11, 2007, U.S. Attorney  
20 Leonardo M. Rapadas was quoted in Guam’s media as saying that

1 the *Dandan/Layon* site was only one allowable under the Federal  
2 Consent Decree for a new landfill. This statement was challenged in a  
3 December 12, 2007 letter to U.S. Attorney Rapadas from Senator  
4 Respicio, who pointed out that "*Dandan* may be the only approved  
5 site for a Government landfill, but the Consent Decree does not  
6 prohibit the use of a private landfill.

7 "The Consent Decree states that the *Ordot* Dump is to be closed  
8 and no longer allowed to receive solid waste as soon as a properly  
9 permitted landfill is opened in Guam."

10 Specifically, the Consent Decree, Civil Case No. 02-00022, the  
11 United States of America v. Government of Guam, IV.  
12 COMPLIANCE, item 10 b. states:

13 "Notwithstanding any of the time frame set forth in Paragraph  
14 8 or 9 above, upon the opening of a properly licensed and permitted  
15 municipal solid waste landfill prior to the times set forth in  
16 Paragraphs 8 and 9 above, no further dumping of any kind will be  
17 permitted at the *Ordot* Dump."

18 The private firm seeking to open the landfill at Guatali  
19 pursuant to P.L. 23-95 has stated that the first cell can be open by as

1 early as the end of July, 2008, should they receive their proper  
2 permitting in a timely manner.

3 "The positions taken by both the U.S. Attorney's office and  
4 USEPA seem to be concerned only with using the *Dandan* property  
5 for a landfill, and not with moving forward in the most rapid and  
6 cost effective manner possible to close *Ordot*. It is my understanding  
7 that closing *Ordot* as quickly as possible because of the contamination  
8 of the *Lonfit* River is the reason for the Consent Decree.

9 "I am also surprised and concerned that the U.S. Attorney  
10 would take this anti-private enterprise position, especially when your  
11 office must surely recognize the need for a 25% increase in fresh  
12 water generation for the Federal Government's military buildup.  
13 Please help me understand why Federal entities would want to insist  
14 on *Dandan* when the *Guatali* site would be

15 (a) more cost effective;

16 (b) allow the protection of water resources at *Dandan* needed  
17 for the military buildup; and

18 (c) result in a much quicker closure of the *Ordot* Dump and  
19 resolution of the Consent Decree."

1           **Finding 14: The Federal Government has not participated in**  
2           **efforts to reduce the volume of solid waste generated on Guam,**  
3           **thereby hindering government efforts.** In her November 23, 2007  
4           letter to U.S. Attorney Mikel Schwab, Senator Muña Barnes also took  
5           to task the lack of action by the Federal Government, in the form of  
6           the U.S. military commands in Guam, by refusing for many years to  
7           join with the civilian community in a container-recycling (“bottle  
8           bill”) program. She wrote:

9           “In 10 states, including Hawaii and California, the military is a  
10          full participant and those deposit programs prevent up to 80% or  
11          more of recyclable containers from entering waste streams. It seems  
12          rather disingenuous of the Federal government to criticize GovGuam  
13          for its solid waste problems, when the military’s lack of cooperation  
14          prevents an important recycling effort from going forward. The  
15          Guam Chamber of Commerce has estimated that as much as 40% of  
16          all beverages purchased in commissaries and exchanges are used and  
17          discarded off-base. Local beverage distributors oppose any kind of  
18          “bottle bill” until and unless the military is a full participant.”

19   and

1           **WHEREAS**, all of the documents to which this Resolution refers,  
2 with the exception of references to existing public laws and government  
3 codes, are attached to this Resolution as exhibits; and

4           **WHEREAS**, *I Mina'bente Nuebi Na Liheslaturan Guåhan* presents this  
5 resolution as an official statement of its sense that the location of Guam's  
6 new landfill has already been determined by Public Law 23-95 and that the  
7 selection of *Dandan/Layon* area for a landfill is contrary to existing Guam  
8 law, is in violation of the Federal Consent Decree, and also ignores the  
9 necessity of developing the water resources within the *Inarajan* Watershed  
10 for the future needs of the people of Guam, now, therefore, be it

11           **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* does  
12 hereby, on behalf of the people of Guam, request that the Legislative  
13 Counsel file a motion to permit this Resolution and the attached  
14 information contained herein to be included in the court record of Civil  
15 Case No. 02-00022 before the District Court of Guam, relative to the  
16 Consent Decree to close the *Ordot* Dump and open a new sanitary landfill  
17 in Guam; and be it further

18           **RESOLVED**, that *I Liheslatura*, on behalf of the people of Guam,  
19 considers this Resolution to be an expression of public policy, and requests  
20 that the Governor of Guam and all members of his administration, and the

1 Attorney General of Guam, cease in referencing the site in *Dandan/Layon* as  
2 the only site for Guam's sanitary landfill; and be it further

3 **RESOLVED**, that *I Liheslatura*, on behalf of the people of Guam,  
4 respectfully and officially conveys to U.S. District Court Chief Judge  
5 Tydingco-Gatewood that the opening of a private landfill at Guatali is one  
6 of a few alternative solutions to Guam's solid waste crisis that will result in  
7 a more timely closing of the *Ordot* Dump and bring an end to the Consent  
8 Decree at a much lower cost to the people of Guam and provide protection  
9 to our island's precious water resources; and be it further

10 **RESOLVED**, that the Speaker and the Secretary of the Legislature  
11 attest to the adoption hereof, and that copies of the same be thereafter  
12 transmitted to U.S. District Court Chief Judge Frances M. Tydingco-  
13 Gatewood; to U.S. Attorney Leonardo M. Rapadas; to the Honorable Alicia  
14 G. Limtiaco, Attorney General of Guam; and to the Honorable Felix P.  
15 Camacho, *I Maga'lahaen Guåhan*.

16 DULY AND REGULARLY ADOPTED BY *I MINA'BENTE NUEBI NA*  
17 *LIHESLATURAN GUÅHAN* ON THIS DAY OF DECEMBER, 2007.