

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

Resolution No. 103 (LS)

As amended.

Introduced by:

R. J. Respicio
Tina Rose Muña Barnes
Judith Paulette Guthertz
David L.G. Shimizu
A. B. Palacios, Sr.
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
v. c. pangelinan
J. T. Won Pat

Relative to stating the sense of *I Mina'Bente Nuebi Na Liheslaturan Guåhan* 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.

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

3 **WHEREAS**, in an Order filed in the U.S. District Court on December 14, 2007
4 by Chief Judge Frances M. Tydingco-Gatewood, the Judge listed ten (10) issues
5 relative to United States of America v. Government of Guam, *Civil Case No. 02-*
6 *00022*, concerning the Consent Decree to close the Ordot Dump and open a new
7 sanitary landfill, the ten (10) issues including those that the Judge felt were essential
8 to ensure that the government of Guam come into compliance with the Consent
9 Decree; and

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

14 **WHEREAS**, Chairman of the Legislative Committee on Judiciary, Natural
15 Resources, Infrastructure and Cultural Affairs, Senator James V. Espaldon and several
16 minority party members of *I Liheslaturan Guåhan* are also members of the Solid
17 Waste Law Review Commission (LRC), which was established by Executive Order
18 2007-09, promulgated by *I Maga'lahen Guåhan* on July 23, 2007, in response to a
19 U.S. Magistrate Judge's recommendation that such a Commission should be created to
20 be "tasked with developing a general legislative policy ... with regard to the closure of
21 the Ordot Dump and the construction of a new landfill..." and

22 **WHEREAS**, in his recommendation to Chief Judge Tydingco-Gatewood, the
23 Magistrate Judge recommended that the LRC draft legislation to create a public
24 corporation that would assume and perform the functions of the Solid Waste
25 Management Division of the Department of Public Works, and transform DPW's
26 Solid Waste Management Division into an entity "that can effectively handle all

1 aspects of solid waste management without sacrificing the health and safety of the
2 people of Guam;” and

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

8 **WHEREAS**, in response to Senator Muña Barnes’ requests, a December 14,
9 2007 letter from the Office of the Attorney General was hand delivered to the Senator
10 by Deputy Attorney General J. Patrick Mason stating that the Office of the Attorney
11 General was declining to make such information available to the Court, writing that:
12 “Pursuant to our Guam Rules of Professional Conduct and ethics rules to which we, as
13 legal counsel, must adhere, and the differing positions taken by the Executive and
14 Legislative branches in this matter; the Office (of the Attorney General) is not able to
15 file a motion on your behalf to place your letter(s) into the record;” and

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

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

1 **WHEREAS**, in his meeting with Senator Muña Barnes, Deputy AG Mason
2 also verbally stated that *I Maga'Lahen Guåhan* (the Governor of Guam), a party to the
3 District Court proceedings, could also make documents a part of the Court record
4 based on a request from the LRC, and that a Resolution stating the sense of *I*
5 *Liheslaturan Guåhan* may also be considered by the Court; and

6 **WHEREAS**, *I Liheslatura* finds that there are a number of troubling issues
7 related to the proposed *Dandan/Layon* site, from the violation of existing Guam law,
8 to proposing the endangerment of existing fresh water resources, to the possibility of
9 expenditures contrary to Guam procurement law, and although LRC Chair Senator
10 Espaldon has been asked to present some documents to the District Court, *I*
11 *Liheslatura* believes that only in a resolution approved by a majority of its members
12 can the full measure of *I Liheslatura*'s intent be known; and

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

15 **Finding 1: The selection of the *Dandan/Layon* site is contrary to**
16 **Guam law.** Public Law 23-64 requires Guam EPA to prepare "legislative
17 action as may be required for new disposal sites." According to Title 10 GCA
18 §51103(a)(6), the next landfill site must be selected by *I Liheslatura*. Therefore,
19 the site-selection process contained in the Consent Decree does not comply with
20 Guam law as it excludes *I Liheslatura* from the site-selection process.

21 **Finding 2: Public Law 23-95 requires the landfill to be located at**
22 ***Guatali* or *Mala'a* or both.** In accordance with §51103(a)(6), *I Liheslaturan*
23 *Guåhan* selected *Guatali* or *Mala'a* or both as the location for the new landfill
24 via Public Law 23-95. This Law has never been repealed and is still in effect.
25 In *San Miguel v. Dept. of Public Works*, CV 892-04, taxpayer citizens are
26 seeking to enjoin government of Guam from proceeding with the *Dandan* site

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

9 **Finding 3: Guam EPA not authorized to select a final site.** Under the
10 provisions of Title 10 GCA §51119(a)(6), the Solid Waste Management Plan
11 adopted by the Guam EPA includes “an identification of potential sites for future
12 sanitary landfills” but does not grant authority to select a final site.

13 **Finding 4: The site selection process excluded available Federal**
14 **property.** The site selection process entered into by Guam EPA did not identify
15 potential sites for a landfill on Federal property without discussing with the
16 Federal Government the possibility of utilizing Federal property for a future
17 landfill or entering into a land exchange with the government of Guam. It is
18 appropriate to discuss such options with the Federal Government due to the
19 need for such facilities by the United States Air Force and the United States
20 Navy, as the sanitary landfills being utilized by these branches of the United
21 States Armed Forces are near capacity.

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

1 (a) Potential landfill sites in northern Guam were summarily
2 eliminated from consideration at the outset in order to assure protection
3 of valuable fresh water resources. This same criteria was extended to
4 valuable fresh water resources elsewhere in Guam, including the *Talofofa*
5 watershed which feeds the *Ugum* River dam, but was not extended to the
6 selection of the *Dandan/Layon* site, which had already been identified by
7 Guam Waterworks for future water resource development; and

8 (b) Guam EPA crafted unnecessarily restrictive criteria to eliminate
9 potential sites from consideration. The additional restrictions were not
10 put in place by the U.S. Environmental Protection Agency to safeguard
11 the people of Guam *or* to protect our island's valuable environmental
12 resources, but rather to eliminate potential sites by setting an artificial
13 property size limit not contained in Federal law or regulation, as a basis
14 to remove the *Guatali or Mala'a* sites identified in Public Law 23-95
15 from consideration.

16 **Finding 6: The site selection process entered into by Guam EPA did**
17 **not follow the Consent Decree requirements because it included two (2)**
18 **sites ineligible by application of Federal Policy.** During the process of
19 narrowing its selection to the three (3) final sites pursuant to the Consent
20 Decree, two (2) sites, *Sabanan Batea* and *Lonfit* did not meet Federal criteria
21 and should have been automatically excluded. Based on the Department of
22 Transportation's Federal Aviation Administration Advisory Circular No.
23 150/5200-34 and the Aviation Investment and Reform Act for the 21st Century,
24 which forbid the construction or establishment of a new solid waste landfill
25 within six (6) statute miles of public use airports, the *Sabanan Batea* and *Lonfit*
26 sites, as well as the *Ordot* Dump, are well within that radius. An argument

1 could be made that by selecting two (2) sites that could not be considered, the
2 *Dandan* site would have to be selected. Guam EPA did not select two (2)
3 alternate sites to replace *Sabanan Batea* and *Lonfit* on the short list, leaving
4 only *Dandan* for selection.

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

8 (a) The updated 2006 Solid Waste Management Plan provides that the
9 new Municipal Solid Waste Landfill Facility (MLSWF) will be at
10 *Dandan/Layon*, and the agency's regulations were deemed approved
11 because they had not been disapproved by the Legislature within ninety
12 (90) days under the 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 §223.

15 (b) The AAA process requires an Economic Impact Statement (EIS) for
16 any regulation promulgated under the AAA that will cost the general
17 public in excess of Five Hundred Thousand Dollars (\$500,000). Title 5
18 GCA §9301. The 2006 Solid Waste Management Plan was submitted
19 without an EIS, despite the presence of Sec 6.5.2 that specifically
20 requires the development of the *Dandan/Layon* site, the cost of which is
21 expected to be well over \$180 Million Dollars. An EIS was never
22 prepared by Guam EPA because its administrator certified that the cost to
23 the public to implement the 2006 Solid Waste Management Plan would
24 be less than Five Hundred Thousand Dollars (\$500,000). To date,
25 government of Guam has already spent in excess of Ten Million Dollars
26 (\$10,000,000) on the proposed *Dandan/Layon* site that has never been

1 approved by public law, and the Federal court has ordered government of
2 Guam to spend at least \$1.3 Million Dollars to condemn a site that was
3 selected absent any legal authority. The Consent Decree requires
4 compliance with Guam law.

5 **Finding 8: The United States Environmental Protection Agency is**
6 **complicit in the violation of Guam Law relative to the site selection process.**

7 The Consent Decree requires Guam law to be followed in the site selection
8 process. By virtue of the United States Environmental Protection Agency
9 approving the *Dandan/Layon* site without legislative approval, it has taken a
10 position contrary to Guam Law and the requirements of the Consent Decree.

11 **Finding 9: Local legislation guarantees accountability, transparency,**
12 **and full-disclosure of landfill plans to *I Liheslatura* and the people of**

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

1 “The contract for the construction plans for the *Layon/Dandan* landfill
2 was initiated in 2005. In subsequent change orders to this contract, the scope of
3 work was expanded to include an environmental impact study for the
4 *Layon/Dandan* site, the construction of a temporary road, and a hydrogeologic
5 study, among other items. All of this was initiated without clear title to the
6 property and contrary to established government of Guam procurement
7 processes, perhaps done in a panicked response to Consent Decree
8 requirements.

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

- 15 (a) Legislative appropriation, or
- 16 (b) A statute identifying the site for the new landfill, or
- 17 (c) Government of Guam possessing clear title to the property
18 containing the *Layon/Dandan* site.

19 For that reason *I Liheslatura* included in Public Law 29-19 a requirement
20 that government of Guam ‘...*shall* not expend funds on site-specific
21 preparation, design work, mitigation, infrastructure upgrade or installation, *or*
22 construction of a new landfill, unless the government of Guam has acquired and
23 recorded fee simple ownership of the property in question.’ This language can
24 be found in item (b) of Section 98, Chapter VI. The intent of this provision of
25 law is *solely* to require accountability by our government on millions of dollars
26 of expenditures of government funds that are currently taking place on private

1 property, and most likely inflating its value, before government of Guam has
2 made a realistic attempt to acquire said property. Further, items (c) and (d) of
3 the same section specifically mandate the following:

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

9 (a) Property acquisition,

10 (b) Environmental mitigation within the landfill footprint, buffer zone,
11 and other impacted areas including, but *not limited to* water sources,
12 rivers, streams, tributaries, wetlands, surface water, ground water,
13 drainage, and runoff erosion;

14 (c) Infrastructure needs, including but *not limited to* power; water;
15 wastewater, and roadways including climbing lanes for trucks; mitigation
16 of blind-curves and other hazards; shoulder widening; roadway widening;
17 addition of new traffic lanes; traffic management; drainage and storm
18 drainage improvements; access and utility roads; upgrading road
19 markings and signage, and upgrading bridges;

20 (d) Landfill construction, and

21 (e) Annual landfill operations and maintenance costs’.”

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

1 “Strict time limits were placed on submittal of the financing plan and
2 reporting on expenditures so as to delay the process at little as possible. Please
3 note that while DPW has presented cost analyses for the closure of *Ordot* Dump
4 and the opening of a new landfill at the *Layon/Dandan* site, these cost-estimates
5 have fluctuated significantly. I recall that during the 27th Guam Legislature,
6 these costs were pegged at \$80 Million Dollars. Now such estimates hover at
7 around \$229 Million Dollars. We must be certain of this amount given the
8 challenging economic conditions currently being experienced in Guam.”

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

20 A U.S. Geological Survey Fact Sheet, No. FS-040-03 entitled “*The*
21 *Norman Landfill Environmental Research Site: What Happens to the Waste in*
22 *Landfills?*” has a very different perspective. The Fact Sheet states: “Although
23 liners and leachate collection systems minimize leakage, liners can fail and
24 leachate collection systems may not collect all the leachate that escapes from a
25 landfill. Leachate collection systems require maintenance of pipes, and pipes
26 can fail because they crack, collapse, or fill with sediment. The USEPA has

1 concluded that all landfills eventually will leak into the environment...” This is
2 a widely known and accepted fact, and it is the reason that USEPA requires
3 sensors and monitoring leak detection devices for all landfills.

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

10 (a) “Although GWA’s *Fena* surface water reservoir and *Ugum* diversion
11 currently supply southern Guam, future needs may require groundwater
12 development. Since groundwater beneath *Layon* falls within the G-1
13 Resource Zone category, it must be protected to drinking water quality
14 standards.”

15 (b) “The SEIS acknowledges that the *Inarajan* River has been identified
16 as a potential site for a surface water dam and/or reservoir. SEIS Figure
17 3-1 also shows proposed reservoir and/or diversion sites on the *Tinago*
18 River ... both of these proposed sites would be downstream of the
19 proposed landfill site.”

20 (c) “In spite of the SEIS claim that “no plans are currently in place to
21 develop groundwater or surface water supplies in the *Layon* Area ...
22 GWA considers (the *Inarajan* and *Tinago* Rivers) as potentially viable
23 and necessary for the future water supply needs. In fact, the pre-draft
24 Guam Water Budget Report ... recommends that consideration be given
25 to investigating the feasibility of diversions at other rivers in addition to
26 the *Ugum*...”

1 (d) “No citations or evidence is provided that the limestone aquifer
2 tapped by the *Malojloj* wells is either limited in extent *or* that
3 groundwater within it is not continuous with that in the volcanic
4 formations in the *Layon* area.”

5 (e) “...previous well yields do not rule out development of an economic
6 groundwater resource in either the limestone or volcanic aquifers of
7 Southern Guam ... well yields comparable to northern Guam are
8 possible.”

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

22 **Finding 13: The Consent Decree allows for the construction of a**
23 **private sanitary landfill.** On December 11, 2007, U.S. Attorney Leonardo M.
24 Rapadas was quoted in Guam’s media as saying that the *Dandan/Layon* site
25 was only one allowable under the Federal Consent Decree for a new landfill.
26 This statement was challenged in a December 12, 2007 letter to U.S. Attorney

1 Rapadas from Senator Respicio, who pointed out that “*Dandan* may be the only
2 approved site for a Government landfill, but the Consent Decree does not
3 prohibit the use of a private landfill.”

4 “The Consent Decree states that the *Ordot* Dump is to be closed and no
5 longer allowed to receive solid waste as soon as a properly permitted landfill is
6 opened in Guam.”

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

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

14 The private firm seeking to open the landfill at *Guatali* pursuant to P.L.
15 23-95 has stated that the first cell can be opened by as early as the end of July,
16 2008, should they receive their proper permitting in a timely manner.

17 “The positions taken by both the U.S. Attorney’s office and USEPA
18 seem to be concerned only with using the *Dandan* property for a landfill, and
19 not with moving forward in the most rapid and cost effective manner possible to
20 close *Ordot*. It is my understanding that closing *Ordot* as quickly as possible
21 because of the contamination of the *Lonfit* River is the reason for the Consent
22 Decree.”

23 “I am also surprised and concerned that the U.S. Attorney would take this
24 anti-private enterprise position, especially when your office must surely
25 recognize the need for a twenty-five percent (25%) increase in fresh water
26 generation for the Federal Government’s military buildup. Please help me

1 understand why Federal entities would want to insist on *Dandan* when the
2 *Guatali* site would be:

- 3 (a) more cost effective;
- 4 (b) allow the protection of water resources at *Dandan* needed for the
5 military buildup; and
- 6 (c) result in a much quicker closure of the *Ordot* Dump and resolution
7 of the Consent Decree.”

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

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

1 **WHEREAS**, all of the documents to which this Resolution refers, with the
2 exception of references to existing public laws and government codes, are attached to
3 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 new landfill
6 has already been determined by Public Law 23-95 and that the selection of
7 *Dandan/Layon* area for a landfill is contrary to existing Guam law, is in violation of
8 the Federal Consent Decree, and also ignores the necessity of developing the water
9 resources within the *Inarajan* Watershed for the future needs of the people of Guam;
10 now, therefore, be it

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

17 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on behalf of
18 the people of Guam, considers this Resolution to be an expression of public policy,
19 and requests that the Governor of Guam and all members of his administration, and
20 the Attorney General of Guam, cease in referencing the site in *Dandan/Layon* as the
21 only site for Guam's sanitary landfill; and be it further

22 **RESOLVED**, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on behalf of
23 the people of Guam, respectfully and officially conveys to U.S. District Court Chief
24 Judge Tydingco-Gatewood that the opening of landfill at *Guatali or Mala'a* is one of
25 a few alternative solutions to Guam's solid waste crisis that will result in a more
26 timely closing of the *Ordot* Dump and bring an end to the Consent Decree at a much

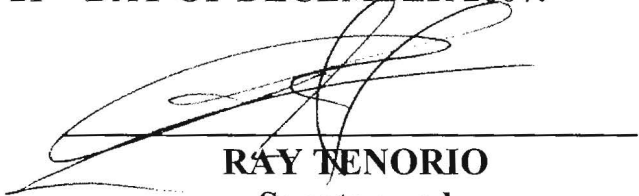
1 lower cost to the people of Guam and provide protection to our island's precious water
2 resources; and be it further

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

DULY AND REGULARLY ADOPTED BY *I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN* ON THE 21ST DAY OF DECEMBER 2007.



EDWARD J.B. CALVO
Acting Speaker



RAY TENORIO
Senator and
Secretary of the Legislature