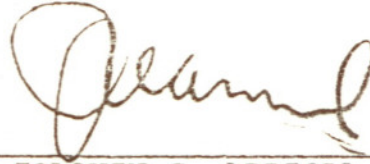


TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 129, "An Act to add a new Subsection (k) to Section 9950.2 and to repeal Sections 9950.10 and 9950.11, and in lieu thereof to enact new Sections 9950.10A and B, and 9950.11, Chapter 11, Title X, Government Code of Guam, relative to water pollution control and for other purposes", was on the 10th day of February, 1969, duly and regularly passed.



JOAQUIN C. ARRIOLA
Speaker

ATTESTED:

/s/ James T. Sablan

JAMES T. SABLAN
Legislative Secretary

This Act was received by the Governor this 24th
day of Feb., 1969 at 4:00 o'clock P..M.

/s/ Joe T. San Agustin

JOE T. SAN AGUSTIN
Secretary of Guam
Acting



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APPROVED:

/s/ DENVER DICKERSON

Acting Governor of Guam

DATED: MAR 10 1969

2:40 P.M.

Public Law 10-31

TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session

Bill No. 129

Introduced by:

Committee on Rules, by
request of the Governor
in accordance with
Section 6(b) of the
Organic Act of Guam.

AN ACT TO ADD A NEW SUBSECTION (k) TO
SECTION 9950.2 AND TO REPEAL SECTIONS
9950.10 AND 9950.11, AND IN LIEU THEREOF
TO ENACT NEW SECTIONS 9950.10A AND B,
AND 9950.11, CHAPTER 11, TITLE X, GOVERN-
MENT CODE OF GUAM, RELATIVE TO WATER
POLLUTION CONTROL AND FOR OTHER PURPOSES.

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

2 Section 1. A new subsection (k) is hereby added to
3 Section 9950.2, Government Code of Guam, to read as follows:

4 "(k) 'Director' means the Director of
5 Public Health and Social Services or his delegated
6 representatives."

7 Section 2. Section 9950.10 of the Government Code of
8 Guam is hereby repealed in its entirety, and in lieu thereof,
9 new Sections 9950.10A and 9950.10B are hereby enacted to read
10 as follows:

11 "Section 9950.10A. Enforcement.

12 (a) Whenever the Commission has reason
13 to believe that a violation of any provision
14 of this Act or rule or regulation pursuant
15 thereto has occurred, it may cause written
16 notice to be served upon the alleged violator
17 or violators. The notice shall specify the
18 provision of this Act or rule or regulation
19 alleged to be violated, and the facts alleged
20 to constitute a violation thereof, and may
21 include an order that necessary corrective
22 action be taken within a specified time. Any
23 such order shall become final unless, no later
24 than ten (10) days after the date the notice

1 and order are served, the person or persons
2 named therein request in writing a hearing
3 before the Commission. Upon such request,
4 the Commission shall hold a hearing. In lieu
5 of an order, the Commission may require that
6 the alleged violator or violators appear before
7 the Commission for a hearing at a time and
8 place specified in the notice and answer the
9 charges complained of, or the Commission may
10 initiate action pursuant to Section 9950.11
11 of this Act.

12 (b) If, after a hearing held pursuant
13 to subsection (a) of this Section, the Commission
14 finds that a violation or violations have
15 occurred, it shall affirm or modify the order
16 previously issued or issue an appropriate
17 order or orders for the prevention, abatement
18 or control of the pollutions involved or for
19 the taking of such other corrective action as
20 may be appropriate. If, after hearing on an
21 order contained in a notice, the Commission
22 finds that no violation has occurred or is
23 occurring, it shall rescind the order. Any
24 order issued as part of a notice or after
25 hearing may prescribe the date or dates by
26 which the violation or violations shall cease
27 and may prescribe timetables for necessary
28 action in preventing, abating or controlling
29 the pollution.

30 (c) No later than ten (10) days after
31 the issuance of the final order of the
32 Commission, an appeal to the Island Court of

1 Guam may be made against any decision of the
2 Commission by any person who is or may be
3 adversely affected thereby.

4 (d) Nothing in this Act shall prevent
5 the Commission from making efforts to obtain
6 voluntary compliance through warning, conference
7 or any other appropriate means.

8 (e) In connection with any hearing held
9 pursuant to this Section, the Commission, or
10 its designate, shall have power to administer
11 oaths, examine witnesses and issue notices of
12 hearings and subpoenas requiring the testimony
13 of witnesses and the production of evidence
14 relevant to matter involved in the hearing.
15 Section 9950.10B. Emergency Procedure.

16 (a) Any other provisions of law to the
17 contrary notwithstanding, if the Director finds
18 that a generalized condition of pollution
19 exists and that it creates an emergency requiring
20 immediate action to protect the intended uses
21 of the water as designated in the Standards
22 of Water Quality for Waters of the Territory
23 of Guam, or to protect human health or safety,
24 the Director, with the concurrence of the
25 Governor, shall order persons causing or
26 contributing to the pollution to reduce or
27 discontinue immediately the pollutants, and
28 such order shall fix a place and time, not
29 later than twenty-four (24) hours thereafter,
30 for a hearing to be held before the Commission.
31 Not more than twenty-four (24) hours after the
32 commencement of such hearing, and without

1 adjournment thereof, the Commission shall
2 affirm, modify or set aside the order of the
3 Director.

4 (b) In the absence of a generalized
5 condition of pollution of the type referred to
6 in subsection (a), but if the Director finds
7 that pollutants from the operation of one or
8 more polluting sources is causing imminent
9 danger to the intended uses of the water as
10 designated in the Standards of Water Quality
11 for Waters of the Territory of Guam or is
12 causing imminent danger to human health or
13 safety, he may order the person or persons
14 responsible for the operation or operations in
15 question to reduce or discontinue pollutants
16 immediately, without regard to the provision
17 of subsection (a) of Section 9950.10A of this
18 Act. In such event, the requirements for
19 hearing and affirmance, modification or setting
20 aside of orders set forth in subsection (a)
21 of Section 9950.10B shall apply."

22 Section 3. Section 9950.11 of the Government Code of
23 Guam is hereby repealed in its entirety, and in lieu thereof,
24 a new Section 9950.11 is hereby enacted to read as follows:

25 "Section 9950.11. Penalties.

26 (a) Any person who violates any
27 provision of this Act, or any rule or
28 regulation in force pursuant thereto, shall
29 be guilty of misdemeanor and subject on account
30 thereof to a fine of not to exceed \$1,000.
31 Each day of violation shall constitute a
32 separate offense.

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(b) Action pursuant to subsection (a) of this Section shall not be a bar to enforcement of this Act, rules and regulations in force pursuant thereto, and orders made pursuant to this Act, by injunction or other appropriate remedy, and the Commission shall have power to institute and maintain in the name of this territory any and all such enforcement proceedings. Such proceedings shall be conducted in and by the Island Court of Guam.

(c) Nothing in this Act shall be construed to abridge, limit, impair, create, enlarge or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor."

Section 4. This Act is an urgency measure.