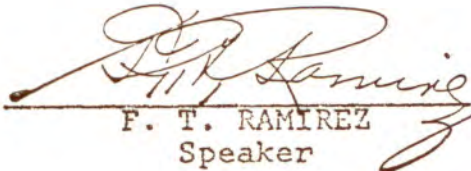


TWELFTH GUAM LEGISLATURE  
1974 (SECOND) Regular Session


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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 956, "An Act to renumber certain titles and sections of the Government Code of Guam pertaining to the Guam Environmental Protection Agency, to give the same an orderly and correct numbering system, and to amend certain sections of the re-numbered Act, to comply with Public Law 11-191 which established the Guam Environmental Protection Agency", was on the 6th day of December, 1974, duly and regularly passed.

  
F. T. RAMIREZ  
Speaker

ATTESTED:

  
G. M. BAMBA  
Legislative Secretary

-----  
This Act was received by the Governor this 18th day  
of December, 1974 at 10:55 o'clock a. M.

/s/ KEITH L. ANDREWS  
KEITH L. ANDREWS  
Attorney General of Guam

APPROVED:

151  
CARLOS G. CAMACHO  
Governor of Guam

DATED: 12-30-74  
9:45 A.M.

PL# 12-191

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TWELFTH GUAM LEGISLATURE  
1974 (SECOND) Regular Session

Bill No. 956

Introduced by R. F. Taitano

AN ACT TO RENUMBER CERTAIN TITLES AND SECTIONS OF THE GOVERNMENT CODE OF GUAM PERTAINING TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY, TO GIVE THE SAME AN ORDERLY AND CORRECT NUMBERING SYSTEM, AND TO AMEND CERTAIN SECTIONS OF THE RENUMBERED ACT, TO COMPLY WITH PUBLIC LAW 11-191 WHICH ESTABLISHED THE GUAM ENVIRONMENTAL PROTECTION AGENCY.

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

2 Section 1. Title LXI of the Government Code of Guam is  
3 hereby retitled "Guam Environmental Protection Agency".

4 Section 2. Chapter XIII, Title X, Government Code of  
5 Guam, relative to the establishment of the Guam Environmental  
6 Protection Agency as enacted by Public Law 11-191, is hereby  
7 retitled "General Provisions" and renumbered Title LXI, Chapter  
8 I, and Sections 9970, 9970.1, 9970.2, 9970.3, 9970.4, 9970.5,  
9 9970.6, 9970.7, 9970.8, and 9970.9 therein are hereby renumbered  
10 Sections 57000, 57001, 57002, 57003, 57004, 57005, 57006, 57007,  
11 57008, and 57009, respectively.

12 Section 3. Chapter V, Title XXII, Government Code of Guam,  
13 relative to the Water Resources Conservation Act is hereby re-  
14 numbered Chapter II, Title LXI, and Sections 21400, 21401, 21402,  
15 21403, 21404, 21405, 21406, 21407, 21408, 21409, 21410, 21412,  
16 21413, and 21415 therein are hereby renumbered Sections  
17 57020, 57021, 57022, 57023, 57024, 57025, 57026, 57027,  
18 57028, 57029, 57030, 57031, 57032, and 57033, respectively.

19 Section 4. Section 21411 of the Government Code of Guam  
20 is hereby repealed.

21 Section 5. Chapter XI, Title X, Government Code of Guam,  
22 relative to the Water Pollution Control Act is hereby renumbered

1 Chapter III, Title LXI, and Sections 9950, 5590.1, 9950.2,  
2 9950.5, 9950.6, 9950.7, 9950.8, 9950.9, 9950.10A, 9950.10B,  
3 9950.11, and 9950.12 therein are hereby renumbered Sections  
4 57040, 57041, 57042, 57043, 57044, 57045, 57046, 57047, 57048,  
5 57049, 57050, and 57051, respectively.

6 Section 6. Sections 9950.3, 9950.4, 9950.13, 57042(k),  
7 57043(b) and 57043(h) of the Government Code of Guam are hereby  
8 repealed, and the remainder of Section 57043 is hereby re-  
9 numbered accordingly.

10 Section 7. Chapter VI, Subchapter R, Title X, Government  
11 Code of Guam relative to toilet facilities and sewage disposal  
12 is hereby renumbered Chapter IV, Title LXI, and Sections 9670,  
13 9670.1, 9670.2, 9670.3, 9670.4, 9670.5, 9670.6, 9670.7, 9670.8,  
14 9670.9, 9670.10, 9670.11, 9670.12, 9670.13, 9671, 9671.1,  
15 9671.2, 9671.3, 9671.4, 9671.5, 9671.6, 9671.7, 9671.8, 9671.9,  
16 and 9671.10 therein are hereby renumbered Sections 57060,  
17 57061, 57062, 57063, 57064, 57065, 57066, 57067, 57068, 57069,  
18 57070, 57071, 57072, 57073, 57074, 57075, 57076, 57077, 57078,  
19 57079, 57080, 57081, 57082, 57083, and 57084, respectively.

20 Section 8. Chapter XII, Title X, Government Code of Guam,  
21 relative to Air Pollution Control is hereby renumbered Chapter  
22 V, Title LXI, and Sections 9960.1, 9960.2, 9960.3, 9960.6,  
23 9960.7, 9960.8, 9960.9, 9960.10, 9960.11, 9960.12, 9960.13,  
24 9960.14, 9960.15, 9960.16, 9960.17, and 9960.18 therein are  
25 renumbered Sections 57100, 57101, 57102, 57103, 57104, 57105,  
26 57106, 57107, 57108, 57109, 57110, 57111, 57112, 57113, 57114,  
27 and 57115, respectively.

28 Section 9. Sections 9960.4 and 57103(a) of the Government  
29 Code of Guam are hereby repealed, and the remainder of Section  
30 57103 is hereby renumbered accordingly.

31 Section 10. Chapter I of Title LXI, Government Code of Guam,  
32 relative to the Insecticide, Fungicide and Rodenticide Act is

1 hereby renumbered Chapter VI, Title LXI, and Sections 57000,  
2 57001, 57002, 57003, 57004, 57005, 57006, 57007, 57008, 57009,  
3 57010, 57011, 57012, and 57013 therein are hereby renumbered  
4 Sections 57120, 57121, 57122, 57123, 57124, 57125, 57126, 57127,  
5 57128, 57129, 57130, 57131, 57132, and 57133, respectively.

6 Section 11. Subsections 57021(t) and 57124(b) of the  
7 Government Code of Guam are hereby repealed and the remainders  
8 of Sections 57021 and 57124 are hereby renumbered accordingly.

9 Section 12. Chapter I of Title LXII, Government Code of  
10 Guam, relative to Custom Application of Pesticides is hereby  
11 renumbered Chapter VII, Title LXI, and Sections 57025, 57026,  
12 57027, 57028, 57029, 57030, 57031, 57032, 57033, 57034, 57036,  
13 57037, 57038, 57039, 57040, and 57041 therein are hereby re-  
14 numbered Sections 57140, 57141, 57142, 57143, 57144, 57145,  
15 57146, 57147, 57148, 57149, 57150, 57151, 57152, 57153, 57154,  
16 and 57155, respectively.

17 Section 13. Sections 57035 and 57142(N) of the Government  
18 Code of Guam are hereby repealed and the remainder of Section  
19 57142 is hereby renumbered accordingly.

20 Section 14. To comply with the provisions of Public Law  
21 11-191, the following amendments are made to Title LXI as re-  
22 numbered according to Sections 1-13 of this Act:

23 (a) Sections 57005, 57008 and 57009 are hereby  
24 amended by substituting "Section 57004" in lieu of  
25 "Section 9970.4", wherever contained therein.

26 (b) Subsections (a) and (b) of Section 57021  
27 are hereby repealed and the other subsections  
28 therein renumbered accordingly.

29 (c) Sections 57022, 57023, 57024, 57025, 57027,  
30 57028, 57029, 57031, and 57032 are hereby amended by  
31 inserting the word "Administrator" in lieu of the  
32 words "Chief Officer", wherever contained therein.

1 (d) Sections 57023 and 57024 are hereby amended  
2 by inserting the word "Agency" in lieu of the words  
3 "Department of Public Health and Social Services" or  
4 "Department" wherever contained therein.

5 (e) The following sections are hereby amended to  
6 read as follows:

7 (1) In Section 57022, substitute "Section  
8 57023" in lieu of "Section 21403"

9 (2) In Section 57024, substitute "Section  
10 57005" in lieu of "Section 21411", substitute  
11 "Section 57025" in lieu of "Section 21405"; and  
12 substitute "Section 57031" in lieu of "Section  
13 21412; and

14 (3) In Section 57032, substitute "Section  
15 57031" in lieu of "Section 21412".

16 (f) Sections 57043, 57044, 57045, 57046, and 57049  
17 are hereby amended by substituting the word "Administrator"  
18 in lieu of the words "Director" or "Director of Public  
19 Health and Social Services", wherever contained therein.

20 (g) Sections 57043, 57044, 57047, 57048, 57049,  
21 57050, and 57051 are hereby amended by substituting the  
22 word "Agency" for the words "Commission" and "Water  
23 Pollution Control Commission", wherever contained therein.

24 (h) The following sections are hereby amended to  
25 read as follows:

26 (1) In Section 57044, substitute "Section 57043"  
27 in lieu of "Section 9950.5";

28 (2) In Section 57048, substitute "Section  
29 57050" in lieu of "Section 9950.11"; and

30 (3) In Section 57049, substitute "Section  
31 57048" in lieu of "Section 9950.10A", and substitute  
32 "Section 57049" in lieu of "Section 9950.10B".

1 (i) Section 57080 is hereby amended by inserting  
2 the word "Agency" in lieu of the words "Department of  
3 Public Health and Social Services".

4 (j) Sections 57063, 57064, 57065, 57068, 57069,  
5 57070, and 57072 are hereby amended by inserting the  
6 word "Administrator" in lieu of the word "Director"  
7 and in lieu of the words "Director of Public Health  
8 and Social Services", wherever contained therein.

9 (k) Sections 57061, 57062, 57072, 57075, 57076,  
10 57077, 57079, 57080, 57081, and 57084 are hereby  
11 amended by substituting the word "Chapter" in lieu of  
12 the word "Subchapter", wherever contained therein.

13 (l) The following sections are hereby amended to  
14 read as follows:  
15

16 (1) In Section 57074, substitute "Section  
17 57074" in lieu of "Section 9671" and substitute  
18 "Section 57084" in lieu of "Section 9671.8";

19 (2) In Section 57075, substitute "Section  
20 57063" in lieu of "Section 9670.3";

21 (3) In Section 57076, substitute "Section  
22 57061" in lieu of "Section 9670.1" and substitute  
23 "Section 57063" in lieu of "Section 9670.3";

24 (4) In Section 57078, substitute "Section  
25 57077" in lieu of "Section 9671.3";

26 (5) In Section 57079, substitute "Section  
27 57063" in lieu of "Section 9670.3" and substitute  
28 "Section 57078" in lieu of "Section 9671.4";

29 (6) In Section 57080, substitute "Section  
30 57083" in lieu of "Section 9671.9";

31 (7) In Section 57083, substitute "Section  
32 57078" in lieu of "Section 9671.4"; and

1                   (8) In Subsection 57063(c), substitute the  
2                   word "Administrator" in lieu of the words "Director  
3                   of Public Works".

4                   (m) Sections 57103, 57104, 57105, 57106, 57107,  
5                   57108, 57109, 57110, 57111, 57112, 57113, 57114, and 57115  
6                   are hereby amended by substituting the word "Agency" in  
7                   lieu of the words "Air Pollution Control Commission"  
8                   and in lieu of the word "Commission", wherever contained  
9                   therein.

10                  (n) Section 57109 is hereby amended by inserting the  
11                  word "Administrator" in lieu of the words "Director of  
12                  Public Health and Social Services" and in lieu of the  
13                  word "Director", wherever contained therein.

14                  (o) The following sections are hereby amended to  
15                  read as follows:

16                   (1) In Section 57103, substitute "Section  
17                   57104" in lieu of "Section 9960.7" and substitute  
18                   "Section 57105" in lieu of "Section 9960.8";

19                   (2) In Section 57108, substitute "Section  
20                   57113" in lieu of "Section 9960.16";

21                   (3) In Section 57109, substitute "Section  
22                   57108" in lieu of "Section 9960.11";

23                   (4) In Section 57110, substitute "Section  
24                   57111" in lieu of "Section 9960.14" and substitute  
25                   "Section 57109" in lieu of "Section 9960.12";

26                   (5) In Section 57111, substitute "Section  
27                   57109" in lieu of "Section 9960.12";

28                   (6) In Section 57112, substitute "Section  
29                   57104" in lieu of "Section 9960.7" and substitute  
30                   "Section 57106" in lieu of "Section 9960.9",  
31                   wherever contained therein;

32                   (7) In Section 57113, substitute "Section

1 57112" in lieu of "Section 9960.15", wherever  
2 contained therein, and substitute "Section 57115"  
3 in lieu of "Section 9960.18"; and

4 (8) In Section 57115, substitute "Section  
5 57113" in lieu of "Section 9960.16".

6 (p) Sections 57121, 57122, 57123, 57124, 57125,  
7 57126, 57127, 57129, 57130, and 57133 are hereby  
8 amended by substituting the word "Administrator" in  
9 lieu of the word "Commissioner", wherever contained  
10 therein.

11 (q) Section 57129 is hereby amended by substituting  
12 the word "Agency" in lieu of the words "Department of  
13 Agriculture".

14 (r) Section 57130 is hereby amended by substituting  
15 the words "United States Environmental Protection Agency"  
16 in lieu of the words "United States Department of  
17 Agriculture".

18 (s) The following sections are hereby amended to  
19 read as follows:

20 (1) In Section 57121, substitute "Section  
21 57124" in lieu of "Section 56004";

22 (2) In Section 57122, substitute "Section  
23 57123" in lieu of "Section 57003", wherever  
24 contained therein; and substitute "Section 57124"  
25 in lieu of "Section 57004";

26 (3) In Section 57123, substitute "Section  
27 57122" in lieu of "Section 57002";

28 (4) In Section 57124, substitute "Section  
29 57122a(4) in lieu of "Section 57002a(4)";

30 (5) In Section 57126, substitute "Section  
31 57122" in lieu of "Section 57002";

32 (6) In Section 57127, substitute "Section



1 57122a(1)" in lieu of "Section 57002a(1)",  
2 wherever contained therein, and substitute  
3 "Section 57123" in lieu of "Section 57003";

4 (7) In Section 57128, substitute "Section  
5 57123" in lieu of "Section 57003"; and

6 (8) In Section 57132, substitute "Section  
7 57122" in lieu of "Section 57002"; and "Section  
8 57127" in lieu of "Section 57007"; and "Section  
9 57128" in lieu of "Section 57008", wherever  
10 contained therein.

11 (t) Sections 57141, 57142, 57143, 57144, 57145,  
12 57146, 57147, 57148, 57150, 57151, and 57152 are hereby  
13 amended by substituting the word "Administrator" in lieu  
14 of the word "Commissioner", wherever contained therein.

15 (u) Section 57151 is hereby amended by substituting  
16 the word "Agency" in lieu of the words "Department of  
17 Agriculture".

18 (v) Subsection 57143(G) is hereby amended by sub-  
19 stituting "Section 57143(E)" in lieu of "Section 57028(E)".

20 (w) The first paragraph of Section 57146 is hereby  
21 amended to read as follows:

22 "Section 57146. Regulations. Where the  
23 Administrator finds that the issuance of regulations  
24 pursuant to Section 57005 is necessary to carry out  
25 the purposes and intent of this Act, such regu-  
26 lations may relate to the time, place, manner  
27 and method of application of the pesticides, may  
28 restrict or prohibit use of materials in designated  
29 areas during specified periods of time, and shall  
30 encompass all reasonable factors which the  
31 Administrator deems necessary to prevent damage  
32 or injury to:

1 (1) Plants, including forage plants, on  
2 adjacent or nearby lands.

3 (2) Wildlife in the adjoining or nearby areas.

4 (3) Fish and other aquatic life in waters in  
5 reasonable proximity to the area to be treated.

6 (4) The effect of drift or careless applica-  
7 tion on pollinating insects, animals or persons."

8 Section 15. Section 57004 of the Government Code of Guam  
9 is hereby repealed and reenacted to read as follows:

10 "Section 57004. Powers and duties of the Guam  
11 Environmental Protection Agency. The Guam Environmental  
12 Protection Agency shall be responsible for the imple-  
13 mentation of the Water Resources Conservation Act, Chapter  
14 II of this Title; the Water Pollution Control Act, Chapter  
15 III of this Title; Toilet Facilities and Sewage Disposal,  
16 Chapter IV of this Title; the Air Pollution Control Act,  
17 Chapter V of this Title; the Insecticide, Fungicide, and  
18 Rodenticide Act, Chapter VI of this Title; the Custom  
19 Application of Pesticides Control Act, Chapter VII of  
20 this Title; and Solid Waste, Chapter VIII of this Title."

21 Section 16. Section 57072 of the Government Code of Guam  
22 is hereby amended to read as follows:

23 "Section 57072. Ordering of replacement, repair,  
24 etc: procedure. Any toilet or sewage facilities, sewage  
25 disposal system, cesspool, seepage pit, septic tank or  
26 privy which fails to comply with the provisions of this  
27 Chapter, or which has become dangerous to human life or  
28 health, shall be replaced, removed, repaired, altered,  
29 cleaned, or emptied by the owner of the premises, as  
30 may be ordered by the Administrator, so as to comply  
31 with the provisions of this Chapter. If the owner of  
32 such premises does not comply within forty-five (45)

1 days after service of written notice of such order,  
2 upon the request of the Administrator the work shall  
3 be done by the Public Utility Agency, using the Public  
4 Utility Agency Waste Water Fund. The Chief of the  
5 Public Utility Agency shall determine a reasonable  
6 charge for such work and such amount shall be entered  
7 upon the real estate tax duplicate, shall be a lien  
8 upon such real estate from the date of entry, and shall  
9 be collected in the same manner as real estate taxes."

10 Section 17. A new Chapter VIII is hereby added to Title  
11 LXI of the Government Code of Guam, entitled "Solid Waste" to  
12 be composed of Sections 9660.6, 9660.7 and 9660.12 of the  
13 Government Code, which are renumbered and amended to read as  
14 follows:

15 "Chapter VIII

16 Solid Waste

17 Section 57170. Disposition. No person shall dispose  
18 of any garbage, rubbish, or other offensive substances,  
19 including dead animals and offal, into any river, creek,  
20 pond, reservoir, stream, well, or spring or any collection  
21 of fresh water, including, without limiting the generality  
22 of the foregoing, the Agana Swamp, into or upon any public  
23 or private driveway, alley, street, highway or road, beach,  
24 or any other public property except in an authorized public  
25 dump or receptacle furnished for such purpose, or other  
26 place as may be authorized by the Administrator, or on  
27 any other private property except with the consent of  
28 the owner and in conformity with law. Any person who  
29 violates any of the provisions of this section is  
30 punishable by imprisonment not exceeding six (6) months  
31 or by a fine not exceeding Two Hundred Dollars (\$200),  
32 or both.

1           Section 57171. Burning garbage. No person shall  
2           destroy or attempt to destroy by burning, except in an  
3           incinerator the construction and operation of which is  
4           approved by the Administrator, or as may otherwise be  
5           authorized by the Administrator, any garbage, dead  
6           animals, or other offensive substances the burning of  
7           which may give off foul and noisome odors, in, or within  
8           one-fourth (1/4) mile of Agana, any village, or any  
9           other urban area. Nothing in this section shall preclude  
10          the burning of trees, brush, grass and other vegetable  
11          matter.

12           Section 57172. Administrator to supervise sanitation  
13          of dumps. The Administrator shall have cognizance for  
14          health and sanitation purposes of all public and private  
15          dumps or sites used for the dumping, incineration, or  
16          other disposition of garbage, rubbish and other offensive  
17          substances. He may in his discretion order that any such  
18          dump or site be closed, abandoned, filled in, or other-  
19          wise terminated, in whole or in part, or limited in its  
20          operations, in the interests of the public health."

21          Section 18. Section 57002 of the Government Code of Guam  
22          is hereby repealed and reenacted to read as follows:

23           "Section 57002. Guam Environmental Protection Agency.  
24          There is hereby created a Guam Environmental Protection  
25          Agency, hereinafter referred to as the 'Agency'.. The  
26          management of the Agency shall be vested in a Board of  
27          Directors consisting of nine (9) members to be appointed  
28          by the Governor with the advice and consent of the  
29          Legislature. Members of the Board shall serve for a  
30          period of three (3) years each, except that any member  
31          appointed to fill a vacancy prior to the expiration of  
32          the term for which his predecessor was appointed, shall

21 be appointed for the remainder of such term. The terms  
2 shall stagger so that three (3) members shall be  
3 appointed by the Governor each year, except that in the  
4 year in which the law is enacted, the Governor shall  
5 appoint three (3) members for one (1) year; three (3)  
6 members for two (2) years, and three (3) members for  
7 three (3) years. The majority of the members of the  
8 Board shall not be employees of the government of  
9 Guam. A chairman shall be elected from among the members.

10 Members of the Board shall be compensated at the  
11 rate of Fifty Dollars (\$50.00) per meeting attended  
12 subject to a maximum of twenty (20) meetings per member  
13 per year."

14 Section 19. A new Section 57010 is hereby added to the  
15 Government Code of Guam to read as follows:

16 "Section 57010. Definitions. Except as provided  
17 in Section 57074 or where otherwise clearly indicated  
18 by the content, the following definitions shall apply  
19 throughout this Title.

20 (1) 'Agency' means the Guam Environmental  
21 Protection Agency; and

22 (2) 'Administrator' means the Administrator  
23 of the Guam Environmental Protection Agency."