

SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 327, "AN ACT TO ADD A NEW CHAPTER 54 ENTITLED 'ENVIRONMENTAL POLLUTION CONTROL' TO TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO THE MANUFACTURE, PURCHASE, DISTRIBUTION AND SALE OF CONTAINERS FOR BEER AND SOFT DRINKS," was on the 18th day of January, 1984, duly and regularly passed.

Joe T. San Agustin
JOE T. SAN AGUSTIN
Acting Speaker

Attested:

Elizabeth P. Arriola
ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 20th day of January
1984, at 4:30 o'clock P.m.

Assistant Staff Officer
Assistant Staff Officer
Governor's Office

APPROVED: 

RICARDO J. BORDALLO
Governor of Guam

Date: 2/1/84

Public Law No. 2:30/84

17-46

SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

Bill No. 327
Substitute Bill by Committee on
Health, Welfare and Ecology

Introduced by:

C. T. C. Gutierrez
M. K. Hartsock

AN ACT TO ADD A NEW CHAPTER 54 ENTITLED
"ENVIRONMENTAL POLLUTION CONTROL" TO TITLE 10
OF THE GUAM CODE ANNOTATED RELATIVE TO THE
MANUFACTURE, PURCHASE, DISTRIBUTION AND SALE
OF CONTAINERS FOR BEER AND SOFT DRINKS.

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

2 Section 1. A new Chapter 54 is added to Title 10 of the Guam Code

3 Annotated to read:

4 "Chapter 54

5 Environmental Pollution Control

6 Section 53150. Short Title. This Act shall be known as the
7 'Environmental Pollution Control Act'.

8 Section 53151. Statement of Policy. The proliferation of no
9 deposit, no-return beer and soft drink containers is a major source of
10 pollution in the territory of Guam. These containers are the most
11 rapidly growing segment of islandwide waste, imposing a heavy burden
12 on the government and citizens of Guam for their collection and
13 disposal. The litter caused by these containers is a continuing threat
14 to the health, safety and welfare of the citizens of Guam. The public
15 policy of this territory is to preserve its natural land environment and
16 other resources and to protect, maintain and improve the aesthetic
17 attributes of such environment for the propagation of wildlife and for
18 the promotion of public health and welfare, and the enhancement of
19 recreational and tourist facilities, as well as for agricultural and other
20 legitimate beneficial uses, by providing a comprehensive program in
21 the public interest of the prevention, abatement and control of

1 littering and pollution of the environment within the territory and to
2 provide effective means for the enforcement and carrying out of such
3 program.

4 Section 53152. Definitions. As used in this Chapter:

- 5 (a) 'Beverage' means beer, ale, malt liquor, and soft drinks;
6 provided, however, that for purposes of this Chapter the
7 term 'beverage' shall not include items sold in a non-liquid,
8 or frozen form or liquid intended for medicinal purposes
9 only, or unadulterated, natural or reconstituted fruit or
10 vegetable juices.
- 11 (b) 'Beverage container' means an individual, separate, aluminum
12 can containing a beverage but does not mean a glass bottle,
13 plastic bottle, or paper or styrofoam cup or carton.
- 14 (c) 'Board' means the Board of Directors of the Guam
15 Environmental Protection Agency.
- 16 (d) 'Consumer' means every person who purchases a beverage in
17 a beverage container for use or consumption.
- 18 (e) 'Dealer' means every person who engages in the sale of
19 beverages or beverage containers to a consumer for
20 consumption off the premises.
- 21 (f) 'Distributor' means every person who engages in the sale or
22 distribution of beverages in beverage containers to a dealer
23 in this territory, including any manufacturer who engages in
24 such sales.
- 25 (g) 'Manufacturer' means every person canning, or otherwise
26 filling beverage containers for sale to distributors or
27 dealers.
- 28 (h) 'Metal Salvage Contractor' means any person who engages in
29 the purchase and resale of beverage containers in order to
30 make a profit from the metal value of the containers.
- 31 (i) 'Person' means an individual, corporation, company,
32 association, partnership, federal agency, or agency of the
33 government of Guam.

1 (j) 'Use or Consumption' includes the exercise of any right or
2 power over a beverage incident of the ownership thereof,
3 other than the sale or the keeping retention of a beverage
4 for the purpose of sale.

5 Section 53153. Prohibition on flip top metal beverage containers
6 and non-aluminum containers. No distributor or dealer shall sell or
7 offer for sale in this territory any metal beverage container so
8 designed and constructed of a metal other than aluminum.

9 Section 53154. Metal Salvage Contractors. Anyone may apply to
10 the Board for a license to operate a metal salvage business.
11 Distributors, dealers may engage the services of a licensed metal
12 salvage contractor to collect, store, process and dispose of containers.
13 Metal salvage contractors may purchase containers from consumers,
14 dealers and distributors.

15 Section 53155. Refund Value. Dealers, distributors and metal
16 salvage contractors shall post their current price in full view of
17 consumers.

18 Section 53156. Criminal Penalties.

19 (a) It shall be unlawful for any person to violate any provision
20 of this Chapter or any regulation prescribed or adopted
21 pursuant to this Chapter.

22 (b) Any person violating Section 53153 shall be guilty of a
23 misdemeanor.

24 Section 53157. Severability. If any provision, clause or phrase
25 of this Chapter, or the application thereof to any person, circum-
26 stances or any legal entity is held invalid, such invalidity shall not
27 affect other provisions or application of this Chapter which may be
28 given effect without the invalid provision or application and all
29 provisions of this Chapter are declared to be separable.

30 Section 53158. Rules and Regulations. The Board may
31 promulgate rules and regulations as necessary to implement the
32 provisions of this Chapter in accordance with the Administrative
33 Adjudication Act."

1 Section 2. This Act shall apply to all areas under the jurisdiction of
2 the territory of Guam. It is the express intent of the Legislature that the
3 provisions of this Act shall be applicable to all Federal Facilities on Guam as
4 mandated by P.L. 94-580, the Resource Conservation and Recovery Act of
5 1976. This Act and the Regulation adopted under this Act shall be
6 implemented in conjunction with the Federal Facilities in the territory of
7 Guam.

8 Section 3. The provisions of this Act shall take effect six (6) months
9 after enactment.