



Territory of Guam
Incorporated 1907

OFFICE OF THE GOVERNOR
LEONARD MAWEL
AGANA, GUAM

APR 25 1994

REFER TO
LEGISLATIVE SECRETARY

RECEIVED
OFFICE OF THE SPEAKER
DATE: 25 APRIL 1994
TIME: 4:40
RECD BY: [Signature]

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 769 which I have signed into law this date as
Public Law 22-115.

Sincerely yours,

FRANK F. BLAS
Governor of Guam
Acting

220649

Attachment




Commonwealth Now!

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

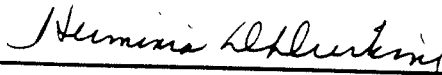
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 769 (LS), "AN ACT TO REQUIRE CLOSURE OF THE ORDOT LANDFILL AND TO AUTHORIZE THE GOVERNOR TO FIND AN ALTERNATE SITE," was on the 14th day of April, 1994, duly and regularly passed.



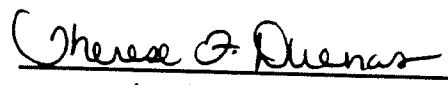
JOE T. SAN AGUSTIN
Speaker

Attested:



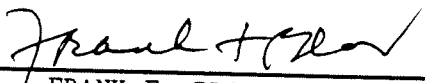
HERMINIA D. DIERKING
Senator and Acting Legislative Secretary

This Act was received by the Governor this 15th day of April
1994, at 5:11 o'clock P.M.



Theresa A. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam
Acting

Date: APR 25 1994

Public Law No. 22-115

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 769 (LS)
As substituted by the
Committee on Rules

Introduced by:

T. S. Nelson
M. D. A. Manibusan
A. C. Blaz
T. C. Ada
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
V. C. Pangelinan
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
J. G. Bamba
D. F. Brooks
F. P. Camacho
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REQUIRE CLOSURE OF THE ORDOT
LANDFILL AND TO AUTHORIZE THE GOVERNOR TO
FIND AN ALTERNATE SITE.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative findings.** The Ordot Sanitary Landfill has been
3 for many years the exclusive disposal site for all the solid waste of the civilian

1 population and businesses of Guam. The Legislature finds that it has now
2 reached beyond its capacity and there are only three possible alternatives for
3 future disposal of solid waste:

- 4 a. Increase the size and physical boundaries of the existing
5 facility;
- 6 b. Relocate to a new facility with greater long range capacity;
- 7 c. Create a new type of any acceptable alternative of disposal
8 for solid waste.

9 All three of these alternatives are feasible for Guam. However, in the
10 interest of avoiding any greater contamination of existing ground or
11 subterranean water and surrounding areas, the Legislature further finds that
12 the existing site at Ordot should be closed as soon as possible.

13 **Section 2. Closure of Ordot landfill.** The Ordot Sanitary Landfill shall
14 be closed and all disposal of solid waste thereat terminated no later than
15 three (3) years after the effective date of this Act.

16 **Section 3. New site.** The Governor shall initiate steps to determine a
17 new site for a public sanitary landfill. Such new site shall be the major
18 disposal site for solid waste material accumulated on Guam, for which an
19 alternative method of disposal is not available to the public.

20 **Section 4. Submission of site to Legislature.** Within ninety (90) days
21 after the effective date of this Act, the Governor shall identify a proposed site
22 for the location of the new solid waste landfill and submit to the Legislature a
23 budget request to cover the costs of moving the solid waste disposal
24 operations from Ordot to the new site. The Governor shall submit to the
25 Legislature an annual report in March of each of the next three (3) years,
26 which report shall include the status of the progress of activation of the new
27 landfill site, and the deactivation of the Ordot site. The report shall also

1 include details of any alternative method of disposal for solid waste which is
2 under consideration or is expected to be implemented on Guam and the
3 proposed activation date.

4 **Section 5. Environmental Impact Assessment.** The Director of Public
5 Works and the Administrator of the Guam Environmental Protection Agency
6 shall initiate steps to inspect, evaluate and assess the conditions existing at
7 the Ordot Landfill which impact on the environment of the area, including but
8 not limited to, leachates to surrounding rivers, groundwaters, and into the
9 aquifer, and any potential hazards and contamination to the ecosystem, and
10 to assess any and all costs necessary to clean up and mitigate any
11 environmental consequences. Said report shall be submitted to the
12 Legislature within one hundred eighty (180) days after the effective date of
13 this Act.

14 **Section 6. Program.** The Director of Public Works and the
15 Administrator of the Guam Environmental Protection Agency shall develop in
16 coordination with other government departments and agencies an integrated
17 solid waste management program to include but not limited to waste
18 reduction, recycling, composting, resource recovery, glass, tire and metal
19 disposals, and sources of funding for an Environmental Impact
20 Assessment/Statement, for design, and for any and all other costs associated
21 with a new sanitary landfill and the implementation of Guam's integrated
22 solid waste management program. Said program shall be submitted to the
23 Legislature no later than ninety (90) days after the effective date of this Act.

24 **Section 7. Rules and regulations.** The Director of Public Works shall
25 develop and implement rules and regulations regarding a commercial user
26 fee assessment for commercial entities that utilize the landfill and rules and
27 regulations regarding collection fees. All such rules and regulations shall be

1 adopted pursuant to the Administrative Adjudication Law. All revenues
2 derived from such fees shall be deposited into a solid waste processing fund
3 hereby established within the Treasury of Guam to be maintained separate
4 and apart from other funds including the General Fund, and to be used by the
5 Department of Public Works to operate and maintain the Ordot Landfill and
6 any new landfill and other waste disposal programs. Said rules and
7 regulations shall be submitted to the Legislature within one hundred eighty
8 (180) days after the effective date of this Act.

6

TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

Date: 4/14/94

VOTING SHEET (AS REVISED)

Bill No. 769
 Resolution No. _____
 Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente	✓			
PARKINSON, Don				✓
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL 20 0 1



SENATOR TED S. NELSON

CHAIRMAN

Committee on General Governmental Operations and Micronesian Affairs
Twenty-Second Guam Legislature

April 11, 1994

VICE CHAIRPERSON:
Committee on Housing
and Community
Developments

Honorable Joe T. San Agustin
Speaker
22nd Guam Legislature
155 Hessler Street
Agana, Guam 96910

Dear Mr. Speaker:

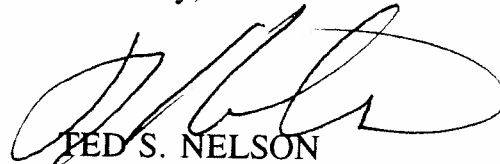
The Committee on General Governmental Operations and Micronesian Affairs, to which was referred **Bill No. 769** (*An Act to authorize the relocation of the present sanitary landfill in Ordot and eventual closure of the existing landfill facility*) has had the same consideration and now wishes to report back the same with the recommendation **to do pass as amended**.

The Committee votes are as follows:

To do pass	<u>10</u>
Not to pass	<u>0</u>
To report out only	<u>0</u>
To place in inactive file	<u>0</u>
Other	<u>0</u>

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,


TED S. NELSON

Enclosures

MEMBER:

Committee on Rules

Committee on Ways
and Means

Committee on Water
Utilities, Electronic
Communications

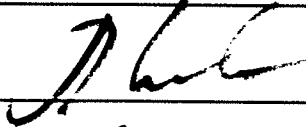



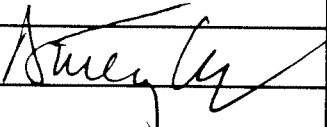
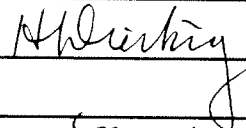
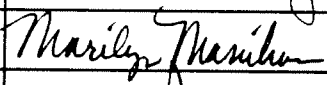
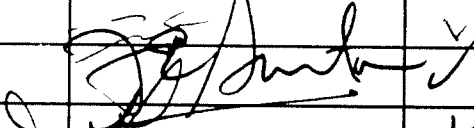
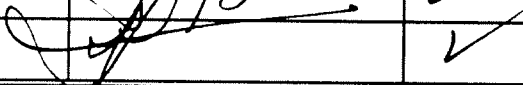
Committee on Economic,
Agricultural Development,
and Insurance

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS
Twenty-Second Guam Legislature

VOTE SHEET ON BILL NO. 769

An Act to authorize the relocation of the present sanitary landfill in Ordot and eventual closure of the existing landfill facility.

RECOMMENDATION TO DO PASS AS AMENDED

Committee Members	Signature	To Do Pass	Not to Pass	To Report Out Only	To Place in the Inactive File
Senator Ted S. Nelson <i>Chairman</i>		✓			
Senator Edward D. Reyes <i>Vice-Chairman</i>		✓			
Speaker Joe T. San Agustin <i>Ex-Officio Member</i>		✓			
Senator Thomas C. Ada		✓			
Senator J. George Bamba					
Senator Anthony C. Blaz		✓			
Senator Felix P. Camacho					
Senator Herminia D. Dierking		✓			
Senator Carl T.C. Gutierrez					
Senator Marilyn D.A. Manibusan		✓			
Senator Vicente C. Pangelinan					
Senator Francis E. Santos		✓			
Senator Thomas V.C. Tanaka		✓			

DEC 13 '93

TWENTY-SECOND GUAM LEGISLATURE
1993 (First) Regular Session

Bill No. 769 (LS)

Introduced by:

T. S. Nelson
T. S. Nelson
ABLAZ

AN ACT TO AUTHORIZE THE RELOCATION OF THE PRESENT
SANITARY LANDFILL IN ORDOT AND EVENTUAL CLOSURE OF THE
EXISTING LANDFILL FACILITY.

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

1 **Section 1.** The Ordot Sanitary Landfill has been for many years the
2 exclusive disposal site for all the solid waste of the civilian population and
3 businesses of Guam. It has now reached beyond its capacity and there are only
4 three possible alternatives for future disposal:

- 5 a. Increase the size and physical boundaries of the existing facility;
- 6 b. Relocate to a new facility with greater long range capacity; and/or
- 7 c. Create a new type of disposal for solid waste, such as compactor,
- 8 incinerator, shredder or a combination of these, or any newer,
- 9 more efficient method available.

10 All three of these are feasible for the Territory. However, in the interest of
11 avoiding any greater contamination of existing ground or subterranean water
12 and surrounding areas, the existing site at Ordot needs to be closed and
13 permanently terminated as soon as possible.

14 **Section 2.** The Director of the Department of Public Works (the
15 "Director") shall initiate steps to commence a relocation of Guam's designated
16 sanitary landfill to the proposed location known as Gautali in the Municipality
17 of Santa Rita. The Director of Public Works shall coordinate efforts with all
18 other cognizant government departments and agencies in identifying other
19 areas more suitable for the implementation of this Act. The present facility in
20 Ordot shall be terminated and closed for all future disposal within the next

21 three (3) years after enactment of this act. At the time that the proposed site
22 shall be the major disposal site for all solid waste material accumulated on
23 Guam, unless an alternative method of disposal is created and activated before
24 that date, making the landfill unnecessary.

25 **Section 3.** Within thirty (30) days after enactment, the Department of Public
26 Works shall identify a proposed site for the relocation of the Solid Waste
27 Facility and submit to the Legislature a budget request to cover the costs of
28 moving solid waste disposal operations from Ordot to the alternate site. The
29 Director shall submit to the legislature and to the Chief Executive, an annual
30 report on each month of March, which report shall include the status of the
31 progress of activation of either the Gautali or any other alternative site
32 identified, and the deactivation of the Ordot site. The report shall also include
33 details of any alternative method of disposal for solid waste which is under
34 consideration or is expected to be implemented on Guam and the proposed
35 activation date.



Committee on General Governmental Operations & Micronesian Affairs

Twenty-Second Guam Legislature
297-B West O'Brien Drive Agana, Guam 96910

Sen. Tea S. Nelson
Chairman

Telephones:
(671) 472-3446-8/472-3501/3569

PUBLIC HEARING

7:00 P.M. TUESDAY, DECEMBER 28, 1993
AGAT COMMUNITY CENTER

AGENDA

- I. Bill No. 769: RELATIVE TO AUTHORIZING THE RELOCATION OF THE PRESENT SANITARY LANDFILL IN ORDOT AND EVENTUAL CLOSURE OF THE EXISTING FACILITY.

FRED M. CASTRO
Administrator

JOANNE M. BROWN
Deputy Administrator

GUAM ENVIRONMENTAL PROTECTION AGENCY



D-107 HARMON PLAZA, 130 ROJAS ST., HARMON, GUAM 96911 TEL. NO. 646-8863/5 FAX: 646-9402
AHENSIAN PRUTEKSION LINA'LA GUAHAN

DEC 28 1993

Senator Ted S. Nelson
Chairman
Committee on General Governmental
Operations and Micronesia Affairs
Twenty-Second Guam Legislature
297-B West O'Brien Drive
Agana, Guam 96910

Dear Senator Nelson:

The Guam Environmental Protection Agency (Guam E.P.A.) is in support of Bill No. 769 with the following recommendations and in consideration of enclosures provided.

- Provisions should be consistent with and incorporate related provisions in attached Draft 1994 Integrated Solid Waste Management Act including sourcing of funding for: Environmental Impact Assessment/Statement, \$250,000; design of access road, \$500,000; and design of new sanitary landfill, \$5,000,000.
- The Gautali location should be referenced as Lot No. 439-121, land owned by the Government of Guam in the municipality of Piti, Guam which is a portion of a larger unsurveyed government land.

Also attached for background reference and projection is strawman working copies of Integrated Solid Waste Management Plan which requires some updating.

Thank you for the opportunity to comment.

Sincerely,

FRED M. CASTRO
Administrator

Enclosures

reproduced at GovGuam Expense

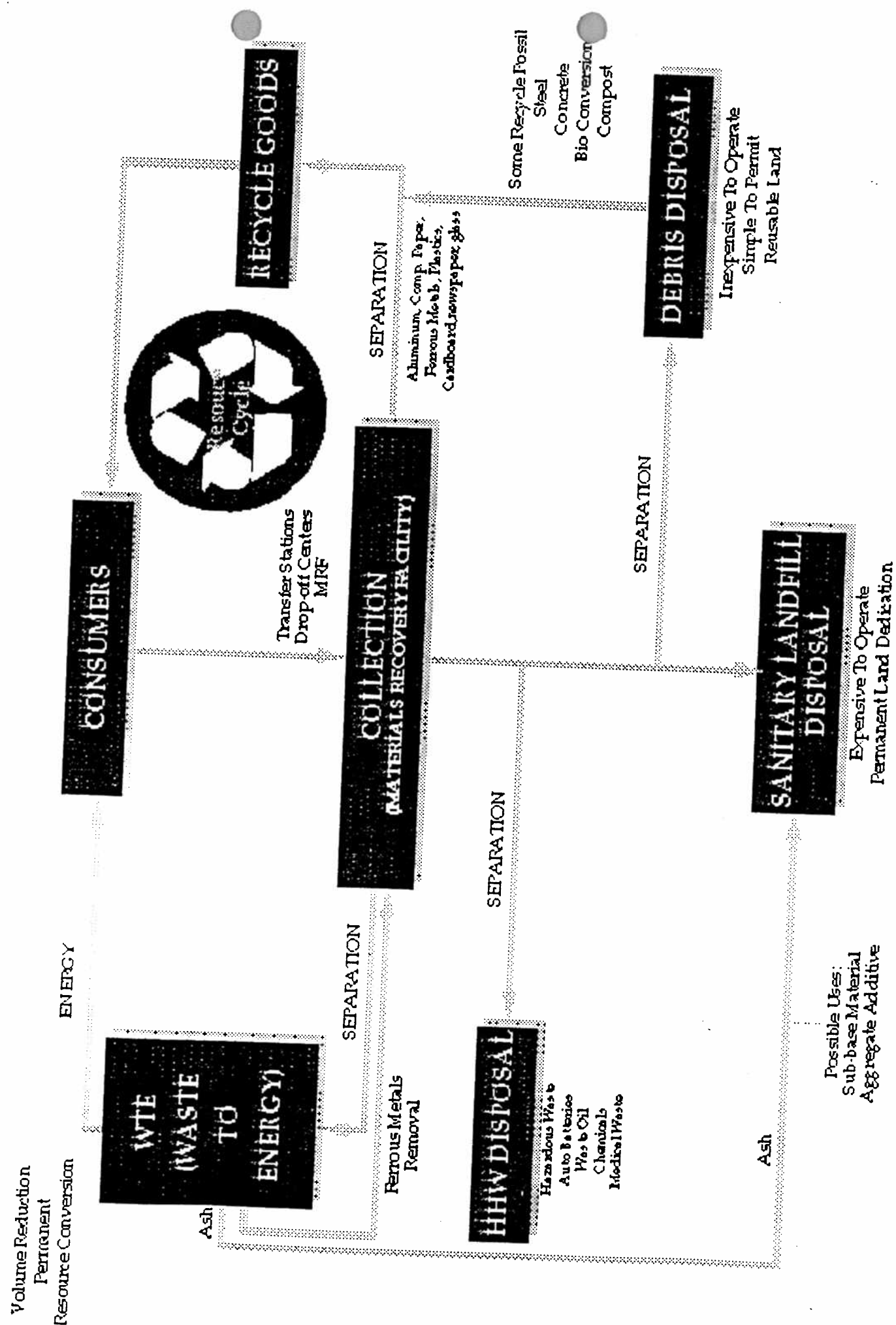


"ALL LIVING THINGS OF THE EARTH ARE ONE"

Commonwealth Now!

INTEGRATED SOLID WASTE MANAGEMENT OPTION

Reproduced at GovGuam Expense



1994 1995 1996 1997 1998
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ID	Name	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
23	Recycling Activities																						
24	Composting																						
25	Support passage of Bill No. 217																						
26	Legislative adoption of Bill No. 217																						
27	Issue Compost RFP																						
28	Review Compost proposals																						
29	Award compost contract																						
30	Construct compost facilities																						
31	Metal shredding																						
32	Construct foundation at Deddo S.W.T.S.																						
33	P.T. Meyers transport equipment to site																						
34	Assemble metal shredder																						
35	Glass Pulverizer																						
36	GSA/DPW sole source procurement of glass pulverizer																						
37	Establishment of site/Selection of Operator																						
38	Shipping period																						
39	Operations begin																						
40	Aluminum recovery																						
41	Introduction of Bill No.41 (LS)																						
42	Legislative review																						
43	Legislative approval																						
44																							

Project: Integrated Plan
 Date: 9/20/93
 Critical
 Noncritical
 Progress
 Milestone
 Summary

ID	Name	Dur	Start	Finish	1994				1995				1996				1997				1998							
					Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
67	Sanitary Landfill Development	598d	10/1/93	1/16/96																								
68	Submit compliance program for Subtitle D (RCRA)	90d	10/1/93	2/3/94																								
69	Issue Environmental Impact Statement RFP	15d	1/14/94	2/3/94																								
70	Review EIS proposals	15d	2/4/94	2/24/94																								
71	Award contract for EIS	0d	2/24/94	2/24/94																								
72	Commence EIS	90d	2/25/94	6/30/94																								
73	EIS submission	0d	6/30/94	6/30/94																								
74	Issue landfill engineering and design proposal	15d	2/4/94	2/24/94																								
75	Review landfill engineering and design proposals	105d	2/24/94	7/20/94																								
76	Award contract for landfill engineering and design	0d	7/20/94	7/20/94																								
77	Landfill engineering and design development	60d	7/21/94	10/12/94																								
78	Landfill design submittal	0d	10/12/94	10/12/94																								
79	Review landfill design	30d	10/12/94	11/22/94																								
80	Notice to construct	0d	11/23/94	11/23/94																								
81	Landfill construction	300d	11/23/94	1/16/96																								
82																												
83																												
84																												
85																												
86																												
87																												
88																												

DRAFT

Project: Integrated Plan
Date: 9/20/93

Critical
 Noncritical
 Progress
 Milestone

Summary

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DRAFT

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DRAFT

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- e. Household hazardous waste management plan

3. Projections of residential, business, military and other institutional solid waste that will be generated within the Territory during the five (5) and ten (10) year periods following the effective date this Act. Such solid waste projections will utilize the population growth rate adopted by the I'Tano-ta Land Use and Highway Master Plans (2.4 % per year).

4. Based upon both five (5) and ten (10) year periods, projections for increase/decrease in solid waste management personnel;

5. Based upon both five (5) and ten (10) year periods, projections for decreases in solid waste disposal as a result of source reduction, recycling and solid waste management facilities;

6. Evaluate internal hazardous waste disposal policies. Effect necessary changes to improve collection, storage and transfer of such materials as it deems in the best public interest to permitted processors and/or approved solid waste management facilities.

SUBTITLE D COMPLIANCE:

Immediately coordinate with the GEPA, provide joint submission to U.S. EPA Region IX Guam's compliance program to meet Subtitle D regulations.

FEES:

Within 90 days, develop and implement through the Administrative Adjudication Act process, establish, maintain and collect rates and charges for the collection, processing and/or disposal of solid waste within Guam, including, but not limited to, fees assessed to owners of dwellings, fees assessed to any other generators or collectors, and fees received at any solid waste management facility within the Territory, including the Ordot landfill, provided that such rates and charges, together with such amounts, if any, as shall have been theretofore appropriated by the Legislature and available for such purpose, shall be at least sufficient to permit the government, GEPA and the Department to carry out the Plan and to meet their respective covenants and financial obligations relating to the solid waste management system or to any solid waste management facility, including, but not granted by, the government, GEPA or the Department or to which any of them is a party.

Residential fees shall be separately identified and included in the PUAG customer billing. Commercial user fees shall be totalled monthly and transmitted on a monthly basis to the respective collector(s).

All revenues generated through such fees shall be deposited into a separate and non-commingled account within the General Fund, called the Solid Waste Management Fund. The SWM Fund shall be used for the following in order of priority:

REPRODUCED AT GOVUAM EXPENSE

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- a. Used tires;
 - b. Green waste;
 - c. Aluminum products; and
 - d. Glass
 - e. White goods/Metal scrap/Abandoned vehicles
2. Forbidding disposal of these items in landfill or incineration waste streams after effective date of November 2, 1994;
 3. Educating the public about how to comply by means of brochures for residents on how to separate trash in special containers, for each tire or battery purchaser regarding an advance disposal fee, and other methods;
 4. Commanding consumers' source separation of the recyclables at curbside or central locations (school pilot program); and enforcing the requirements for source separation through a well publicized warning and penalty provision;
 5. Empowering a public official to contract for the service of a recycled materials collector and/or for sales of the collected materials at the best available market price;
 6. Delineating in writing the governmental and private sector roles in either conducting/contracting for the collection, sorting, and delivery of recyclables;
 7. Penalizing the unauthorized taking of recyclables from curbside or collection locations; and
 8. Increasing penalties for illegal dumping to \$2,500 per first offense, and \$5,000 thereafter so as to stimulate close adherence to the required separation rules.

Upon creation of this integrated program, promulgate rules for public hearing pursuant to Administrative Adjudication Law;

Transmit such rules and regulations to the Legislature for review. Within 45 days, receive changes, modifications, rejection or approval by Legislature.

Upon adoption of these rules, issue various Requests For Proposals for contractual services relating to processing, disposal and/or marketing of certain items such as used tires, batteries, aluminum cans, green waste, metal scrap and glass.

Upon adoption of these rules, effect procurement for pilot program compartmentalized containers for at least six (6) public schools.

Upon receipt of all proposals, evaluate each category and enter into such contracts for such recycling services as it deems to be in the best public interest. All such contracts, unless pursuant

in government provided steel drum(s). Waste directed to Hazardous waste processor (Advanced disposal fee candidate).

Develop and effect passage of legislation which mandates procurement preference of local recovered or recycled materials.

MATERIALS RECOVERY FACILITY:

Within 30 days, initiate site selection process for development of Materials Recovery Facility (MRF). Consult with DLM Land Administration staff to determine three (3) potential sites offering central location, proximity to Port facility and other solid waste management facilities;

Within 15 days, issue RFP for preliminary environmental baseline survey and topographic survey;

Upon consummation of contract, establish 180 day deadline for environmental survey and topographic survey;

Within 15 days, evaluate environmental baseline survey findings;

Within 60 days, submit request for fee simple title transfer of proposed property to Department through Legislative action;

Within 15 days issue RFP for development of a Materials Recovery Facility (MRF);

Within 15 days after RFP deadline, evaluate proposals and submit findings and recommendation to Legislative approval and request appropriation based upon same (Support passage of Bill No.47 (LS) Senator John Aguon;

Upon completion of construction, private recycling contractors and/or non-profit organizations will be afforded first right to lease space at the Materials Recovery Facility.

COMPOSTING:

Within 30 days of adoption of these rules, issue RFP for proposals for Compost services. Initial collection sites will be Dededo, Molojloj, and Agat SWTS and Ordot landfill;

Within 15 days after RFP submission deadline, evaluate proposals, submit findings and recommendations to Legislature.

Within the next 45 days, draft and introduce legislation to request appropriation of \$500,000 to facilitate procurement of compost equipment which shall be leased to selected private contractor. Selected contractor shall have first right of refusal to purchase equipment at end of each three (3) year renewal period. (Support passage of Bill No. 217, Senator Doris Brooks);

INTEGRATED SOLID WASTE MANAGEMENT PROGRAM

Background:

Landfilling has been the predominant means of disposal on Guam. The limited land area, increased land values and greater demands for residential and commercial land use have severely restricted the available sites for landfill. Water resources in the limestone aquifer to the north, stream flows in central Guam and Fena reservoir in the south also prohibit landfill development in these areas. Consequently, realizing all these issues, the Authority in cooperation with the Department of Public Works, began the arduous task of selecting the new landfill site.

A two-tiered criteria analysis was used as part of the site justification process as follows:

Primary Criteria:

- Ground & Surface Water Contamination
- Distance to Residential Communities
- Accessibility to Major Roadways
- Land Use and Zoning
- Public/Private Lands
- Natural Resources (Parks & Conservation Districts)
- Adequate Capacity

Secondary Criteria:

- Availability of Cover Material
- Archaeological & Historic Significance
- Existing Utilities
- Displacements
- Travel Distance from Generation Centers
- Visual Impacts
- General Nuisance

Through earlier studies, some thirty four (34) sites were noted. Although some were designated temporary, this preliminary study attempted to address any and all options. Based on the above criteria, three (3) sites were considered as potential landfill candidates:

Site No. 11 Malaa
 Site No. 12 Agat
 Site No. 18 GORCO

These three potential sites were then further evaluated based upon physical/social/political circumstances and weighing the long-term benefits and attributes of other complementary and/or supportive infrastructure. In this case the potential development of the waste-to-energy facility near the GORCO site presented valid

American Samoa, Commonwealth of the Northern Mariana Islands, Guam and Hawaii, the consultancy team, Pacific Basin Development Council and Ross & Associates with R.W. Beck and Associates, provided the following summary findings:

1. No single approach to municipal solid waste (MSW) management (recycling, source reduction, incineration, or landfilling) will solve the MSW problems
2. There are recycling options that are feasible in the American Flag Pacific Islands (AFPI), and markets exist for most of the materials considered
3. The cost and benefits of the five (5) recycling systems considered in the analysis vary with (a) the mix of materials included in the systems and (b) the collection approach used
4. The economics of recycling depend heavily on how "avoided costs" are calculated. In the PBDC/Ross & Associates analyses, "avoided costs" are the "cost-savings" when waste materials are diverted to landfill--each ton of material recycled is one less ton of waste requiring disposal
5. The amount of waste that could be diverted from landfills by recycling in American Samoa, CNMI and Guam ranges from 2% to 18% of the total waste produced
6. Cooperation among the AFPI on the off-island recycling options analyzed does not appear to improve the cost-effectiveness of recycling
7. The economic feasibility of recycling will improve if the demand for goods that contain recycled materials increases
8. There are a range of MSW management measures besides off-island recycling that could result in less waste produced or would generate income to support recycling that could be implemented by AFPI governments. These include advance disposal fees and restrictions on importation of certain packaging materials and containers

In short, a practical approach to recycling, must be struck between all concerned parties. Two (2) primary goals must be achieved:

1. The MSW collection and processing systems should provide locally appropriate level(s) of service designed to meet political, health and regulatory requirements; and
2. The MSW collection and processing systems should accomplish their defined service requirements at the lowest possible cost.

Bill No. 237, An Act to Add a New Section 19302.2 to the Government Code of Guam Establishing a Solid Waste Processing Fund and to Authorize the Director of the Department of Public Works to Promulgate Rules and Regulations Establishing a Commercial User Fee Assessment

This basic objective of this bill was to establish a direct consumption-disposal cost relationship to solid waste. Also, it would release \$2.7 million from the federal government to Guam. A Solid Waste Processing Fund shall be established within the Treasury of Guam, maintained separate and apart from other funds including the General Fund, and shall be used by DPW to operate and maintain the Ordot Landfill. Moreover, the Director of DPW, subject to the provisions of the Administrative Adjudication Law, shall develop and implement rules and regulations regarding a Commercial User Fee assessment for commercial entities that utilize the landfill. All revenues derived from the fee shall be deposited into the fund and expended in accordance to the provisions outlined.

Upon establishment and implementation of the Commercial User Fee, recycling would present an purely financial alternative to simple landfilling.

Bill No. 217, An Act to Establish Regional Public Composting Facilities throughout the Island by Amending Section 51102 and Adding Section 51103.1 to Title 10 of the Guam Code Annotated, Requiring the Department of Land Management to Identify Sites for Such Regional Composting Facilities and Authorizing \$500,000 to be Appropriated from the General Fund to the Department of Public Works for the Establishing and Equipping of Such Facilities.

This bill received overwhelming support during its public hearing. As proposed, approximately six (6) sites will be designated throughout the island as processing centers for composting "green waste". Rules and regulations would be promulgated by DPW to ban the deposit of organic solid waste at the landfill unless a regional compost facility is sited there, require the separation of solid waste, prohibit public and private collection of unseparated waste, and award consessions to a private contractor or contractors for the operation of the regional composting facilities.

At present there is nothing to preclude the implementation of this bill. The three existing DPW solid waste transfer stations can function as composting depository sites, as well as the existing landfill. Consequently, at least two new sites need to be designated. The equipment procured from this appropriation may be leased to the private contractors on a lease-to-own arrangement. This would encourage private business by minimizing business start-up costs.

RECEIVED BY GOVERNMENT ENGINEER

any fees to the owner of the same." This law may need to be repealed in order to effect this direct cost relationship.

Bill No. 41 (LS) An Act to Repeal and Reenact 10 GCA Chapter 54 Relative to the "Recycling Act of 1993", to Createa Task Force to Develop Guidelines for Refundable Deposit Fees on Recyclable Products and to Appropriate Fifty Thousand (\$50,000) from the General Fund to the Guam Environmental Protection Agency for the Establishment of a Recycling Deposit Fund

This bill formalizes the refundable deposit concept. The process requires dealers and distributors to collect at the point of sale deposit fees set by the GEPA Board. Private sector resistance to this mechanism is founded on increased administrative costs for this program and pass-through costs to consumers. The projected increase in administrative costs by both dealers and distributors can be resolved through an assessment (fixed percentage) of gross sales, with a fixed per container refund value. Additionally, these same businesses can and will be encouraged to collect the refunded amounts themselves to offset so called losses. Consumers could be informed either through product display or receipt that this product's price is increased to account for its respective deposit fee.

Bill No. ____, An Act to Provide Integrated Solid Waste Management

Known more commonly as the "Omnibus Bill," this legislation has received substantive review and scrutiny. This legislation establishes a new department solely responsible for solid waste management. This bill also establishes the comprehensive disposal strategy for solid waste, inclusive of source reduction, recycling/composting, waste-to-energy technology and landfill. Further, it promotes and supports the development of markets for recovered and recycled materials as well as establishes minimum recycling goals for the Territory.

The Department of Solid Waste Management:

1. Shall prepare and adopt of the interim Integrated Solid Waste Management Plan;
2. Shall prepare and adopt of the final Integrated Solid Waste Management Plan;
3. Shall adopt and Enforce rules, regulations and other procedures for the implementation and enforcement of the Plan and the Solid Waste Management System created by the Plan;

DRAFT

- generators disposing of solid waste at a WTEF, the MRF or any other solid waste facilities. Such fee shall be based upon the weight and character of the solid waste being disposed;
11. Shall administer, supervise and fulfill the responsibilities of the Government in any contract entered into for the development, construction or operation of a solid waste management facility;
 12. Shall establish and administer a program for the recycling of recyclable materials within the Territory;
 13. Shall establish such solid waste management for the collection, storage or transfer of solid waste as it deems to be in the best public interest. It may, consistent with the Government Procurement Act or otherwise pursuant to an existing license, enter into contracts with private persons for the development, financing, construction or operation of such facilities; and
 14. Shall provide technical assistance to local and Federal agencies, and other persons, and cooperate with appropriate local agencies and private organizations in carrying out the duties under the Plan.



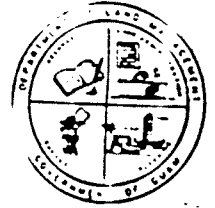
DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')

Government of Guam

P.O. Box 2950

Agana, Guam 96910

Tel: (671) 475-LAND • Fax: (671) 477-088



JOSEPH F. ADA
Governor

FRANK F. BLAS
Lieutenant Governor

F. L. G. CASTRO
Director

JOAQUIN A. ACUALLE
Deputy Director

December 28, 1993

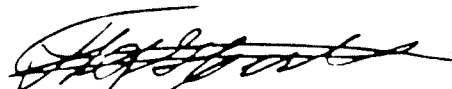
The Honorable Ted S. Nelson,
Chairman, General Governmental Operation
and Micronesian Affairs
Twenty-Second Guam Legislature
Agana, Guam, 96910

SUBJECT: LEGISLATIVE BILL NO. 769

Dear Mr. Chairman:

Confirmed receipt of your letter dated December 20, 1993 concerning Legislative Bill No. 769 and in light that I felt that the intent of the Bill can better be address by Public Works and the Guam Environmental Protection Agency, I have chosen to yield to their positions. I do not feel that I have the expertise on the area of concerned and therefore, it's best in yielding to the positions of the sub agencies.

Sincerely Yours,


F. L. G. CASTRO



The Honorable Ted S. Nelson
Chairperson, Committee on General Governmental
Operations and Micronesian Affairs
22nd Guam Legislature
297-B West O'Brien Drive
Agana, Guam 96910

RE: Bill No. 769

Dear Senator Nelson and Members of the Committee:

My name is Eleanor F. Borja, Management Analyst IV, for Solid Waste Management Division, Department of Public Works.

Without hesitation, I wholeheartedly supported the passage of Bill No. 769.

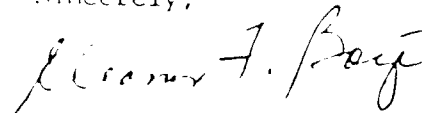
The objective of a landfill is to protect, preserve and promote the physical health, mental health and social well-being of the people of Guam, by requiring adequate planning for solid waste disposal and by requiring that the disposal of solid waste be accomplished in such a manner as to create a healthful, aesthetically desirable, useful and safe environment.

As you are all aware, there is a need for the development of a new sanitary landfill to include a compactor, recycling, shredder, and incinerator machines so that the volume of solid waste to be disposed at the site will significantly be reduced and the life span of the landfill can go beyond its capacity. Ordot Landfill has been in operation since 1945 (under the jurisdiction of the Federal Government). The Government of Guam took over the operation in 1958 and since then has been operating the Ordot Landfill on a land consisting of 52 acres. The existing landfill has reached its total capacity and to continue to overload the system, it will not be able to meet its objectives.

The existing sanitary landfill can become a desirable asset to the community if, when closed, the site can be used for parks or recreational purposes.

The attached statistics proves that there will be an increase of 75% of solid waste to be disposed by the year 2000, therefore, we are in dire need of a new land fill.

Sincerely,



ELEANOR F. BORJA

VOLUME OF SOLID WASTE RECEIVED AT ORDOT LANDFILL

<u>SOURCE OF WASTE</u>	<u>TYPE OF WASTE</u>	<u>CUBIC YARDS</u>					
		<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993 (JAN. TO JULY)</u>
Commercial	Commercial	96,405	242,498	315,186	385,323	773,218	431,554
Other	Household	109,649	158,109	158,172	158,518	277,944	111,115
Government	Household	106,641	93,744	68,183	128,889	275,506	146,632
Commercial	Household	84,989	157,503	370,484	98,673	22,670	311
Commercial	Other	1,543	3,994	5,630	186,810	359,288	82,738
Government	Other	47	- 0 -	- 0 -	1,393	1,906	529
Government	Demolition	352	- 0 -	- 0 -	519	98	648
Commercial	Demolition	36,085	86,979	50,817	83,095	9,095	90
Military	Other	20	- 0 -	- 0 -	216	153	18
Other	Demolition	4,501	26,570	27,441	5,257	- 0 -	- 0 -
Other	Other	279	- 0 -	- 0 -	11,715	- 0 -	- 0 -
TOTAL:		440,511 CY	769,397 CY	995,913 CY	1,060,408 CY	1,719,858 CY	773,635 CY

POPULATION PROJECTIONS
(Based on percentage distribution and annual rate of increase)

	PERCENT DISTRIBUTION										
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
GUAM	1.00000	136,226	139,371	142,589	145,881	149,249	152,695	156,220	159,827	163,517	167,292
Agana	0.00855	1,165	1,192	1,220	1,248	1,277	1,306	1,336	1,367	1,399	1,431
Agana Heights	0.02738	3,730	3,816	3,904	3,995	4,087	4,181	4,278	4,376	4,477	4,581
Agat	0.03725	5,075	5,192	5,312	5,434	5,560	5,688	5,819	5,954	6,091	6,232
Asan	0.01555	2,118	2,167	2,217	2,268	2,320	2,374	2,429	2,485	2,542	2,601
Barrigada	0.06644	9,050	9,259	9,473	9,692	9,915	10,144	10,378	10,618	10,863	11,114
Chalan Pago/Ordot	0.03343	4,554	4,659	4,766	4,876	4,989	5,104	5,222	5,343	5,466	5,592
Dededo	0.23828	32,461	33,210	33,977	34,761	35,564	36,385	37,225	38,084	38,964	39,863
Inarajan	0.01854	2,526	2,584	2,644	2,705	2,768	2,831	2,897	2,964	3,032	3,102
Mangilao	0.07873	10,725	10,973	11,226	11,485	11,750	12,022	12,299	12,583	12,874	13,171
Merizo	0.01308	1,782	1,823	1,865	1,908	1,953	1,998	2,044	2,091	2,139	2,188
Mongmong/Toto/Maite	0.04390	5,980	6,118	6,259	6,404	6,552	6,703	6,858	7,016	7,178	7,344
Piti	0.01863	2,537	2,596	2,656	2,717	2,780	2,844	2,910	2,977	3,046	3,116
Santa Rita	0.08414	11,463	11,727	11,998	12,275	12,558	12,848	13,145	13,449	13,759	14,077
Sinajana	0.01996	2,719	2,782	2,846	2,912	2,979	3,048	3,118	3,190	3,264	3,339
Talofof	0.01735	2,363	2,418	2,474	2,531	2,589	2,649	2,710	2,773	2,837	2,902
Tamuning	0.12522	17,058	17,452	17,855	18,267	18,689	19,120	19,562	20,013	20,475	20,948
Umatac	0.00674	918	939	961	983	1,005	1,029	1,052	1,077	1,102	1,127
Yigo	0.10674	14,541	14,877	15,220	15,572	15,931	16,299	16,675	17,060	17,454	17,857
Yona	0.04009	5,461	5,587	5,716	5,848	5,983	6,122	6,263	6,407	6,555	6,707

Note: These projections assumed no in or out migration, that the rate of growth for the island remained constant, and that the proportion of the total population residing in each district remained constant.

POPULATION AND HOUSING

	POPULATION					HOUSING UNITS				
	1990	1980	1970	Percentage Change		1990	1980	1970	Percentage Change	
				1980-1990	1970-1980				1980-1990	1970-1980
GUAM	133,152	105,979	84,996	25.6	24.7	35,223	28,249	16,680	24.7	69.4
Agana	1,139	896	2,119	27.1	-57.7	416	384	515	8.3	-25.4
Agana Heights	3,646	3,284	3,156	11.0	4.1	1,008	971	669	3.8	45.1
Agat	4,960	3,999	4,308	24.0	-7.2	1,300	990	819	31.3	20.9
Asan	2,070	2,034	2,629	1.8	-22.6	620	589	581	5.3	1.4
Barrigada	8,846	7,756	6,356	14.1	22.0	2,140	1,930	1,307	10.9	47.7
Chalan Pago-Ordot	4,451	3,120	2,931	42.7	6.4	1,047	738	526	41.9	40.3
Dededo	31,728	23,644	10,780	34.2	119.3	7,541	5,558	2,295	35.7	142.2
Inarajan	2,469	2,059	1,897	19.9	8.5	553	455	321	21.5	41.7
Mangilao	10,483	6,840	3,228	53.3	111.9	2,699	2,067	740	30.6	179.3
Merizo	1,742	1,663	1,529	4.8	8.8	469	398	271	17.8	46.9
Mongmong-Toto-Maite	5,845	5,245	6,057	11.4	-13.4	1,742	1,490	896	16.9	66.3
Piti	1,827	2,866	1,284	-36.3	123.2	554	503	239	10.1	110.5
Santa Rita	11,857	9,183	8,109	29.1	13.2	2,343	2,253	1,610	4.0	39.9
Sinajana	2,658	2,485	3,506	7.0	-29.1	712	619	680	15.0	-9.0
Talofofu	2,310	2,006	1,935	15.2	3.7	548	445	350	23.1	27.1
Tamuning	16,673	13,580	10,218	22.8	32.9	6,296	4,788	2,208	31.5	116.8
Umatac	897	732	813	22.5	-10.0	188	147	130	27.9	13.1
Yigo	14,213	10,359	11,542	37.2	-10.2	3,686	2,898	2,056	27.2	41.0
Yona	5,338	4,228	2,599	26.3	62.7	1,361	1,026	467	32.7	119.7

Note: Includes non-immigrant aliens and members of the U.S. Armed Forces and their dependents living on post.

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS**
TWENTY-SECOND GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910

COMMITTEE REPORT

ON

BILL NO. 769

“An Act to authorize the relocation of the present Sanitary Landfill in Ordot and the eventual closure of the existing Landfill Facility.”

COMMITTEE MEMBERS

Chairman: Ted S. Nelson

Vice Chairman: Edward D. Reyes

Ex-Officio Member: Speaker Joe T. San Agustin

Thomas C. Ada
Herminia D. Dierking
Carl T. C. Gutierrez
Vicente C. Pangelinan
Francis E. Santos

J. George Bamba
Anthony C. Blaz
Felix P. Camacho
Marilyn D.A. Manibusan
Thomas V.C. Tanaka

**PROFILE ON
Bill No. 769**

Official Title: "An Act to authorize the relocation of the present Sanitary Landfill in Ordot and the eventual closure of the existing Landfill Facility."

Date Introduced: December 3, 1993

Main Sponsor(s): T.S. Nelson

Referral: Committee on General Governmental Operations and Micronesian Affairs on December 9, 1993.

Public Hearing: 7:00 p.m. Tuesday, December 28, 1993 at the Agat Community Center, Agat.

COMMITTEE REPORT

BILL NO. 769

"An Act to authorize the relocation of the present Sanitary Landfill in Ordot and the eventual closure of the existing Landfill Facility."

I. BACKGROUND

The Ordot Sanitary Landfill for many years has been the exclusive disposal site for the entire Guam population, and has now reached beyond its capacity. The intent of Bill No. 769 is to have the Director of Public Works, and the Administrator of the Guam Environmental Protection Agency, initiate steps to relocate the existing Ordot Sanitary Landfill to the proposed location known as "Gautali" in the Municipality of Agat. The committee conducted a Public Hearing 7:00 p.m. Tuesday, December 28, 1993 at the Agat Community Center.

Committee Members Present: Senator T.S. Nelson, Chairman
Senator T.C. Ada

II. SUMMARY OF TESTIMONY

Testifying:

- Mayor Antonio C. Babauta
- Mayor Gregorio C. Borja
- Administrator Fred Castro, GEPA
- Tony Quinata, DPW Engineering
- Eleanor Borja, DPW
- Cel Babauta
- Evagelis "Ivan" Babauta

Mayor Tony Babauta provided the committee with oral testimony in support of Bill No. 769. Mayor Babauta continued that the situation at the Ordot Landfill is at a critical stage and that the need to identify another site is imperative. Mayor Babauta suggested that instead of appropriating new funds for the relocation of the Ordot Sanitary Landfill, the funds should be transferred to the lead departments

and/or agencies to implement the relocation. Mayor Babauta requested that the committee act expeditiously to resolve this problem.

Mayor Greg Borja also provided the committee with oral testimony in support of the bill. Mayor Borja comments were also along the same line as Mayor Babauta. Additionally, Mayor Borja discussed the need for the Department of Public Works to work expeditiously implement the operations of the shredder that has been on hold for quite some time now.

Director Fred Castro provided with committee with written testimony in support of the bill. In his testimony, Mr. Castro recommended that the provisions of the bill be consistent with the Draft 1994 Integrated Solid Waste Management Act. Mr. Castro continued that funding is needed for an Environmental Impact Assessment/Statement, for the design of an access road, and funding for the design of a new sanitary landfill. Finally, Mr. Castro clarified that the location for the "Gautali" area should be identified as Lot No. 439-121 owned by the Government of Guam in the Municipality of Piti, Guam.

Tony Quinata, DPW Engineering testified in support of Bill No. 769 and provided the committee with current status of the Ordot Landfill. Mr. Quinata recommended that the committee amend §2(c) of Public Law 22-18, to transfer Government of Guam owned property from the Public Utility Agency of Guam to the Department of Public Works for the purpose of relocating the Ordot Sanitary Landfill.

Ms. Eleanor Borja, a Management Analyst IV with the Department of Public Works Solid Waste Management Division, provided written testimony in support of the bill which included statistics on the volume of solid waste received at the Ordot Landfill. Mrs. Borja urged that with the situation that now exist at the Ordot Sanitary Landfill, there is a need to close the existing landfill and identify a new location.

Mr. Cel Babauta provided the committee with an oral testimony in support of the bill. Mr. Babauta commended the committee on pursuing the problem of the Ordot Sanitary Landfill. He encouraged that the Department of Public Works and the Guam Environmental Protection Agency implement educational awareness programs regarding the recycling and disposal of waste materials.

Mr. Evangelis "Ivan" Babauta provided the committee with oral testimony in support of the bill. Additionally, Mr. Babauta expressed his opposition to the Guam Environmental Protection Agency's Proposal to create a new "Division of Solid Waste Management," due to the government's financial situation.

III. FINDINGS

With the critical situation that exist at the Ordot Sanitary Landfill, the committee finds that there is a need to address the relocation of the landfill immediately. The committee has been informed by the Department of Public Works that the expected remaining lifespan of the Ordot Sanitary Landfill is between 3 to 5 years. Therefore, with the testimony received, and the recommended amendments to the bill, the committee wishes to report out Bill No. 769 to the legislature for action.

IV. RECOMMENDATIONS

The Committee on General Governmental Operations and Micronesian Affairs hereby reports out Bill No. 769 to the Twenty-Second Guam Legislature with the recommendation **TO DO PASS Bill No. 769 as amended by the Committee on General Governmental Operations and Micronesian Affairs.**

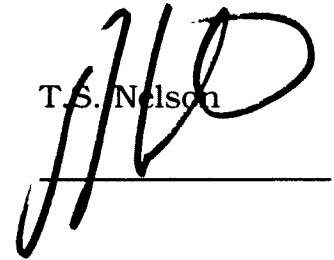
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TWENTY-SECOND GUAM LEGISLATURE
1993 (First) Regular Session

Bill No. 769 (LS)

Introduced by:

T.S. Nelson



AN ACT TO AUTHORIZE THE RELOCATION OF THE PRESENT
SANITARY LANDFILL IN ORDOT AND EVENTUAL CLOSURE OF THE
EXISTING LANDFILL FACILITY.

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

1 **Section 1.** The Ordot Sanitary Landfill has been for many years the
2 exclusive disposal site for all the solid waste of the civilian population and
3 businesses of Guam. It has now reached beyond its capacity and there are only
4 three possible alternatives for future disposal:

- 5 a. Increase the size and physical boundaries of the existing facility;
- 6 b. Relocate to a new facility with greater long range capacity; and/or
- 7 c. Create a new type of disposal for solid waste, such as compactor,
- 8 incinerator, shredder or a combination of these, or any newer,
- 9 more efficient method available.

10 All three of these are feasible for the Territory. However, in the interest of
11 avoiding any greater contamination of existing ground or subterranean water
12 and surrounding areas, the existing site at Ordot needs to be closed and
13 permanently terminated as soon as possible.

14 **Section 2.** The Director of the Department of Public Works (the
15 "Director") shall initiate steps to commence a relocation of Guam's designated
16 sanitary landfill to the proposed location known as Gautali in the Municipality
17 of Santa Rita. The Director of Public Works shall coordinate efforts with all
18 other cognizant government departments and agencies in identifying other
19 areas more suitable for the implementation of this Act. The present facility in
20 Ordot shall be terminated and closed for all future disposal within the next

21 three (3) years after enactment of this act. At the time that the proposed site
22 shall be the major disposal site for all solid waste material accumulated on
23 Guam, unless an alternative method of disposal is created and activated before
24 that date, making the landfill unnecessary.

25 **Section 3.** Within thirty (30) days after enactment, the Department of Public
26 Works shall identify a proposed site for the relocation of the Solid Waste
27 Facility and submit to the Legislature a budget request to cover the costs of
28 moving solid waste disposal operations from Ordot to the alternate site. The
29 Director shall submit to the legislature and to the Chief Executive, an annual
30 report on each month of March, which report shall include the status of the
31 progress of activation of either the Gautali or any other alternative site
32 identified, and the deactivation of the Ordot site. The report shall also include
33 details of any alternative method of disposal for solid waste which is under
34 consideration or is expected to be implemented on Guam and the proposed
35 activation date.