



Office of the Speaker
 ANTONIO R. UNPINGCO
 Date: 12-24-98
 Time: 3:05
 Rec'd by: [Signature]
 Print Name: UNPINGCO

Refer to
 Legislative Secretary

CARL T.C. GUTIERREZ
 GOVERNOR OF GUAM

DEC 24 1998

The Honorable Antonio R. Unpingco
 Speaker
 Mina'Bente Kuattro na Liheslaturan Guahan
 Twenty-Fourth Guam Legislature
 Guam Legislature Temporary Building
 155 Hesler Street
 Hagatña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
 ANNOUNCEMENT RECEIPT
 Received By: [Signature]
 Time: 3:05 pm
 Date: 12-24-98

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 653 (LS), "AN ACT TO ADOPT THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION, DISPOSAL, PROCESSING, AND RECYCLING FOR THE DIVISION OF SOLID WASTE MANAGEMENT OF DPW", which I have signed into law today as **Public Law No. 24-313**.

The rules adopted in this legislation provide for the following changes in the way that Guam handles its trash:

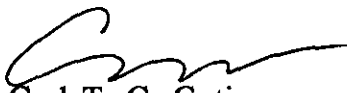
- 1) Government of Guam is required to divert 25% of the solid waste by January 1, 2001. This gives our people a grace period of a year to become familiar with the new methods of handling trash that will be forthcoming, and gives the government agencies time to develop rules and regulations for areas not yet covered in these rules and regulations.
- 2) The Department of Public Works is authorized to contract for collection services for solid waste and these contracts shall be for a period not to exceed 5 years.
- 3) The Department of Public Works shall implement future rules and regulations for the handling of "special" solid waste. This means solid waste that needs special handling and separate fees, such as tires, construction debris, batteries, air conditioners, or cars.
- 4) Homes are required to keep their solid waste in waterproof, leak-proof containers with handles or other lifting features, between 5 and 35 gallons in size, and weighing no more than 60 pounds when filled. They are to put out their containers up to 12 hours prior to the collection date and take them in within 12 hours after the collection date. Yard wastes

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are to be securely tied in bundles not longer than 48 inches, 18 inches in diameter, and weighing no more than 30 pounds. This is for the safety and ability of those doing the collecting to perform the work.

- 5) The legislation calls for separating out recyclable materials from solid waste and placing these items in separate containers. There must be enough space around the buildings for the containers to be picked up.
- 6) The Director of the Department of Public Works and the Administrator of the Guam Environmental Protection Agency are to submit comprehensive rules and regulations for handling of recyclable materials. The designation of what are recyclable materials and methods for how they are to be handled are not contained in these rules and regulations.
- 7) Collection fees for solid waste collection, disposal, recycling and processing services shall be as established in Public Law No. 24-139 and Public Law No. 24-272 and payments are due within 60 days of the date of billing.
- 8) There are some situations where a different rate can be charged, such as when the accumulation of solid wastes in certain instances are far above or far below the normal. In these cases, the Director of Public Works shall investigate, and if necessary, recommend a rate.

Very truly yours,


Carl T. C. Gutierrez
I Maga'lahañ Guåhan
Governor of Guam

Attachment: copy attached for signed bill
 original attached for vetoed bill


cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

01153

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

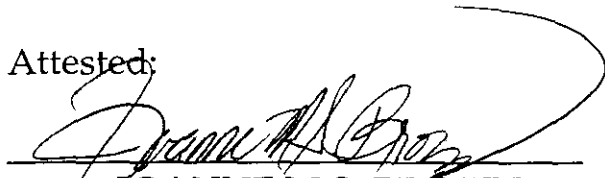
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 653 (LS), "AN ACT TO ADOPT THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION, DISPOSAL, PROCESSING, AND RECYCLING FOR THE DIVISION OF SOLID WASTE MANAGEMENT OF DPW," was on the 11th day of December, 1998, duly and regularly passed.



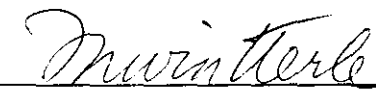
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 15th day of December, 1998,
at 9:20 o'clock 9 .M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 12-24-98

Public Law No. 24-313

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session**

Bill No. 653 (LS)

As amended by the Author and
substituted on the Floor and amended.

Introduced by:

E. J. Cruz
J. C. Salas
L. F. Kasperbauer
F. B. Aguon, Jr.
W. B.S.M. Flores
Francisco P. Camacho
T. C. Ada
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
M. C. Charfauros
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
L. A. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO ADOPT THE RULES AND
REGULATIONS FOR SOLID WASTE
COLLECTION, DISPOSAL, PROCESSING, AND
RECYCLING FOR THE DIVISION OF SOLID
WASTE MANAGEMENT OF DPW.**

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

2 **Section 1. Adoption.** The rules and regulations by Division of
3 Solid Waste Management of the Department of Public Works is hereby
4 adopted to read as follows:

5 **“DEPARTMENT OF PUBLIC WORKS.**
6 **DIVISION OF SOLID WASTE MANAGEMENT.**
7 **RULES AND REGULATIONS.**
8 **CHAPTER 1.**
9 **(Pursuant to P.L. No. 24-139 and**
10 **Further Amended by P.L. No. 24-272)**
11 **SOLID WASTE COLLECTION,**
12 **DISPOSAL, PROCESSING AND RECYCLING.**

13 **Section 100. Provisions.**

14 **Section 101. Purpose.**

15 **Section 102. Duty to Assure Removal of Solid Wastes.**

16 **Section 103. Definitions.**

17 **Section 104. Storage of Solid Wastes.**

18 (a) **Containers Required.**

19 (b) **Single Family Residential Containers.**

20 (c) **Other Containers.**

21 (d) **Yard Wastes.**

22 (e) **Bulky Rubbish.**

23 (f) **Grading, Demolition, and Construction**
24 **Wastes.**

25 (g) **Recyclables.**

- 1 (h) Unauthorized Containers.
- 2 Section 105. Collection of Solid Wastes.
- 3 (a) Response.
- 4 (b) Collection and Transport Assignments.
- 5 (c) Right to Transport Own Wastes.
- 6 (d) Collection Intervals.
- 7 (e) Point of Collection - Single Family.
- 8 (f) Time Limit on Container Placement at
- 9 Curb.
- 10 (g) Grading, Demolition and Construction
- 11 Wastes.
- 12 (h) Authority to Enter Upon Private Property.
- 13 (i) Responsibilities at Point of Collection.
- 14 (j) Collection Fees.
- 15 (k) Special Collections.
- 16 (l) Bulk Containers.
- 17 Section 106. Transportation of Solid Wastes.
- 18 (a) Vehicle Standards.
- 19 (b) Transportation of Own Wastes.
- 20 (c) Grading, Demolition, and Construction
- 21 Wastes.
- 22 Section 107. Disposal of Solid Wastes.
- 23 (a) Disposal at Authorized Sites Only.
- 24 (b) Hazardous Wastes.
- 25 (c) Unlawful Disposal.
- 26 Section 108. Additional Prohibited Acts.

- 1 (a) Use of Other Than Own Container.
- 2 (b) Failure to Pay Fees.
- 3 (c) Interference.
- 4 (d) Burning.
- 5 (e) Scavenging.
- 6 **Section 109. Contract for Collection and Disposal Service.**
- 7 (a) Contracts Authorized.
- 8 (b) Exclusive Right.
- 9 (c) Liability Insurance.
- 10 **Section 110. Enforcement and Penalties.**
- 11 (a) Inspection.
- 12 (b) Penalties.
- 13 (c) Request for Hearing.
- 14 **Section 111. Rate Deviations; Disputes.**
- 15 (a) Deviations.
- 16 (b) Deviations: Filing.
- 17 (c) Disputes.
- 18 **Section 112. Development.**
- 19 (a) Development Project.
- 20 (b) Improvement.
- 21 (c) Floor Area of a Marina.
- 22 (d) Public Facility.
- 23 (e) Recycling Area (Areas for Recycling).
- 24 **Section 113. General Requirements.**
- 25 **Section 114. Guidelines for All Development Projects.**

1 **Section 115. Additional Guidelines for Single Tenant**
2 **Development Projects.**

3 **Section 116. Additional Guidelines for Multiple Tenant**
4 **Development Projects.**

5 **Section 117. Location.**

6
7 **Section 100. Provision.** Any provision of the adopted
8 rules and regulations of this Act on “Solid Waste Collection, Disposal,
9 Processing and Recycling” in conflict with Public Law Number 24-272,
10 the provision of Public Law Number 24-272 shall prevail.

11 **Section 101. Purpose.** The purpose of these rules and
12 regulations (‘Regulation’) is to protect public health, safety and welfare
13 by reducing or eliminating health hazards, fire hazards, offensive odors
14 and unsightly litter attributable to accumulations of solid wastes, and
15 provide for maximum recovery of useable materials of solid waste
16 within the limits of economic feasibility.

17 The government of Guam must divert twenty five percent (25%)
18 of all solid waste by January 1, 2001, through source reduction,
19 recycling and composting activities. Diverting twenty five percent
20 (25%) of all solid waste requires the collective participation of the
21 residential, commercial, industrial and public sectors. The government
22 shall continuously seek community participation and technology to
23 further reduce solid waste.

24 The lack of adequate areas for collecting and loading recyclable
25 materials that are compatible with surrounding land uses is a significant

1 impediment to diverting solid waste and constitutes an urgent need for
2 the government of Guam to address access to solid waste for source
3 reduction, recycling and composting activities. This Regulation has
4 been developed to meet that need.

5 **Section 102. Duty to Assure Removal of Solid Waste.**

6 Every occupant who produces solid wastes has the duty to
7 provide for the storage and removal of all such wastes produced on the
8 occupied premises. Occupant shall segregate the same into solid wastes
9 and into recyclables. When the solid waste is so segregated, the two (2)
10 may be disposed of separately as hereinafter established.

11 **Section 103. Definitions.** The words and phrases used
12 throughout this Regulation are derived from §51102 of Chapter 51, Part
13 2, Division 2 of Title 10 of the Guam Code Annotated plus the following
14 definitions:

15 (a) '*Backyard Collection Service*' means the collection of solid
16 wastes at the point of storage on the premises of a single family
17 residential property receiving service.

18 (b) '*Bulky Rubbish*' means non-rotting solid wastes from
19 dwelling units, institutional, commercial, industrial or agricultural
20 establishments which are either too large or too heavy to be safely and
21 conveniently loaded in solid waste transportation vehicles by solid
22 waste collectors.

23 (c) '*Department*' means the Department of Public Works,
24 ('DPW') government of Guam.

1 (d) *'Director'* means the Director of Public Works or his
2 delegate serving as director of the solid waste management program on
3 Guam.

4 (e) *'Disposable Solid Waste Container'* means disposable plastic or
5 paper sacks with a capacity of five (5) to thirty-five (35) gallons
6 specifically designed for storage wastes.

7 (f) *'Division'* means the Division of Solid Waste Management of
8 the Department of Public Works, government of Guam.

9 (g) *'Dwelling Unit'* means one (1) or more rooms, and a single
10 kitchen in a dwelling, designed as a unit for occupancy by one (1) family
11 for living and sleeping purposes.

12 (h) *'Family'* means one (1) person living alone, two (2) or more
13 persons related by blood, marriage or legal adoption, or a group not in
14 excess of five (5) unrelated persons living together as a single
15 housekeeping unit; and in addition thereto domestic employees.

16 (i) *'Grading, Demolition and Construction Wastes'* means waste
17 materials from the grading of land or the construction, remodeling or
18 destruction of structures.

19 (j) *'Government'* means the government of Guam.

20 (k) *'Multiple Dwelling'* means a building, or portion thereof,
21 used and/or designed as a residence for two (2) or more families living
22 independently of each other in dwelling units and doing their own
23 cooking in said building.

1 (l) *'Occupant'* means any person whom, alone or jointly or
2 severally with others, shall be in actual possession of any dwelling unit,
3 or of any other improved real property, either as owner or as a tenant.

4 (m) *'Single Family Residence'* means a detached building designed
5 for and/or occupied exclusively by one (1) family.

6 (n) *'Solid Wastes'* means unwanted or discarded waste materials
7 in a solid or semi-solid state, other than those specifically intended for
8 recycling. Such material includes, but is not limited to, garbage, wood,
9 glass, paper, plastics, ashes, street refuse, rubbish, dead animals, animal
10 and agricultural wastes, except manure, discarded furnishings and
11 appliances, industrial wastes, and grading, demolition and construction
12 wastes.

13 (o) *'Solid Waste Management'* means management of the entire
14 solid waste system of storage, collection, transportation, processing and
15 disposal.

16 (p) *'Special Solid Waste or Special Collection or Special Fees'* means
17 solid waste that requires special handling and separate fees (for
18 example tires, construction debris, batteries, air conditioners, cars, etc.)
19 as designated by the Director of DPW and in compliance with all local,
20 state, and Federal laws and regulations and established pursuant to
21 Article 3, Chapter 9 of Title 10 of the Guam Code Annotated,
22 *Administrative Adjudication Law, Rule Making Procedures.*

23 **Section 104. Storage of Solid Wastes.**

24 (a) **Contents Required.** The occupant of every dwelling unit
5 and of every institutional, commercial, industrial or agricultural

1 establishment producing solid waste within the corporate limits of
2 Guam shall provide on the premises, without expense to the
3 government, a sufficient number of adequate containers for the storage
4 of all solid wastes, except bulky rubbish, grading, demolition and
5 construction wastes, which would ordinarily accumulate at each such
6 dwelling unit or establishment between the scheduled collections. Such
7 containers shall be maintained at all times in good repair, and both
8 containers and the area used for storage of containers at each dwelling
9 or establishment shall be maintained at all times in a clean, neat and
10 sanitary condition.

11 **(b) Single Family Residential Containers.** Single family
12 residential solid wastes shall be stored on the premises in containers of
13 not more than thirty-five (35) gallons, and *not* less than five (5) gallons
14 in nominal capacity. Containers shall be leak-proof, waterproof and
15 fitted with a fly-tight lid, and shall be covered at all times except when
16 depositing waste therein or removing the contents thereof. The
17 containers shall have handles, bails or other suitable lifting devices or
18 features. Containers shall be of a type originally manufactured for
19 dwelling unit solid wastes, with tapered sides for easy emptying. They
20 shall be of lightweight and sturdy construction. The weight of any
21 individual container and contents when such container is filled to
22 within four (4) inches of the top shall not exceed sixty (60) pounds.
23 Rubber, fiberglass or plastic containers, which do not become brittle in
24 hot/cold weather, may be used. Disposable solid waste containers may
25 also be used by a dwelling unit for storage of solid wastes; *provided* such

1 containers are leak-proof, waterproof, tightly covered, and less than ten
2 (10) pounds.

3 **(c) Other Containers.** Multi-family residential,
4 institutional, commercial, industrial or agricultural solid wastes shall be
5 stored in bulk containers of the type designed to be handled
6 mechanically by refuse collection vehicles, as approved by the Director,
7 taking into consideration the quantity of wastes generated at each
8 establishment and the frequency and method of collection, but
9 containers shall at least meet the standards as indicated in this
10 Regulation. All containers shall be waterproof, leak-proof and shall be
11 covered, *except* when depositing waste therein or removing the contents
12 thereof. Containers shall be stored on private property, *unless* the
13 owner shall have been granted written permission by the Director to use
14 public property for such purposes. Cleaning of bulk containers shall be
15 the responsibility of the private property owner, *unless* otherwise
16 stipulated in a written contract for other persons to be responsible for
17 the cleaning of bulk containers.

18 **(d) Yard Wastes.** Tree limbs, brush, and other yard wastes
19 which cannot be placed in storage containers shall be securely tied in
20 bundles not longer than forty-eight inches (48") in length and eighteen
21 inches (18") in diameter. The weight of each individual bundle shall not
22 exceed thirty (30) pounds.

23 **(e) Bulky Rubbish.** Bulky rubbish shall be confined to
24 the property upon which it originates in such a manner so as not to
25 permit it to create any health or safety hazard. No such items of bulky

1 rubbish shall be stored in front of any dwelling, business or
2 establishment so as to be unsightly.

3 **(f) Grading, Demolition and Construction Wastes.**

4 Grading, demolition and construction wastes shall be confined to
5 the property on which grading, demolition or construction is taking
6 place, and shall be removed by the owner or his agents immediately
7 after such grading, demolition or construction is completed.

8 **(g) Recyclables.** Material intended by the occupant to be
9 recycled, shall be stored prior to recycling in such containers, or in such
10 a manner so as to prevent it from creating any health or safety hazard,
11 or from littering public or private property, including the property of
12 the occupant. No material stored pursuant to this Section shall be
13 stored in front of any dwelling, business or establishment so as to be
14 unsightly. The Director and the Administrator of the Guam
15 Environmental Protection Agency shall submit comprehensive rules
16 and regulations for the disposition of recyclable materials for the
17 collection, separation, storage, recycling process and other needs for a
18 comprehensive recycling municipal solid waste system to reduce the
19 waste stream.

20 **(h) Unauthorized Containers.** Solid waste containers or
21 bundles which are not in accordance with this Regulation shall be
22 collected together with their contents, and disposed of after reasonable
23 notice has been left on the container during a prior collection visit.
24 Containers or bundles exceeding size or weight limitations, or
} containers filled in such a manner that contents are *not* easy to empty,

1 shall *not* be collected and notice shall be left on each such container or
2 bundle advising the owner of applicable provisions of this Regulation.

3 **Section 105. Collection of Solid Wastes.**

4 (a) **Response.** The government of Guam shall provide for
5 the collection of solid wastes from individual dwelling units or single
6 family residences; provided, however, that DPW may contract for
7 collection services with a person, business or corporation, or a
8 combination thereof, for such as deemed to be in the best interests of the
9 Island.

10 (b) **Collection and Transport Assignments.** The government,
11 its employees or solid waste collection contractors shall have, the
12 exclusive right to collect or transport solid wastes for individual
13 dwelling units or single family residences *not* covered by agreements
14 through homeowner associations or other group agents for the
15 collection of waste by a licensed, waste hauler. Solid waste collection
16 for multi-family residential or multiple dwelling units, commercial,
17 industrial or agricultural activities shall be based on a free enterprise or
18 privatized system as regulated and permitted by the Guam
19 Environmental Protection Agency. *However,* nothing in this Section
20 shall operate so as to prevent, or cause any unnecessary hardship to, the
21 occupant or entity of any premises producing solid wastes, from
22 recycling or transporting to the extent allowed said solid wastes.

23 Further, nothing contained in this Section shall be construed so as
24 to prevent any community-based recycling center from receiving solid
25 waste segregated for recycling at its place of business, or at centrally-

1 located collection points as approved by the government of Guam, or
2 from thereafter transporting such waste.

3 (c) **Right to Transport Own Wastes.** Any person may
4 transport solid wastes generated on his own premises to an authorized
5 processing or disposal site, providing the requirements of this
6 Regulation are met.

7 (d) **Collection Intervals.** All single-family residential solid
8 wastes, other than bulky rubbish and recyclables, shall be collected at
9 least once weekly. Multi-family residential, institutional, commercial or
10 agricultural solid wastes shall be collected by privately contracted and
11 duly permitted solid waste collectors or transporter at least once
12 weekly, and may be collected at such lesser intervals as may be relaxed
13 by the Director, or requested by the establishment upon a determination
14 that such lesser intervals will not harm the public health or safety.

15 (e) **Point of Collection – Single Family.** Single family
16 residential solid wastes in containers or bundles authorized by this
17 Regulation shall be placed at the curb or alley for collection as specified
18 by the Director, taking into consideration the quantity of wastes
19 generated at each establishment and the frequency and method of
20 collection. Solid wastes storage sites shall be easily accessible to
21 collection personnel and equipment.

22 (f) **Time Limit on Containers Placement on Curb.**

23 Containers or bundles shall be placed at the curb for collection not
24 earlier than twelve (12) hours *prior* to the collection date, and shall be
5 removed no later than twelve (12) hours following the collection date.

1 **(g) Grading, Demolition and Construction Wastes.**

2 Removal of grading, demolition and construction wastes from the
3 property upon which grading, demolition or construction is taking
4 place shall be the responsibility of the owner, and shall *not* be the
5 responsibility of the government or authorized solid waste collection
6 contractors under this Regulation. The government or authorized solid
7 waste collection contractors may offer a removal service for such wastes
8 and may charge a fee therefor.

9 **(i) Responsibilities at Point of Collection.** Authorized solid

10 waste collectors shall be responsible for the collection of solid wastes
11 from the point of collection to the transportation vehicle; *provided*, the
12 solid wastes were stored in compliance with this Regulation. Any
13 spillage or displaced solid waste occurring prior to the arrival of the
14 solid waste collectors at the point of collection shall be the responsibility
15 of the owner. Any spillage or displaced litter caused as a result of the
16 duties of the solid waste collectors shall be collected and placed in the
17 transportation vehicle by the solid waste collectors. Any solid waste
18 collected shall, upon being loaded into transportation equipment,
19 become the property of the collection agency. Solid waste collectors
20 shall not be required to reach into solid waste containers to remove
21 contents. Authorized containers emptied by solid waste collectors shall
22 be returned to the point of collection.

23 **(j) Collection Fees.** All tipping/user fees to be charged by the

24 DPW for solid waste collection, disposal, recycling and processing
25 services established by Public Law Numbers 24-139 and 24-272 and

1 other special fees shall be billable every first (1st) of the month for the
2 previous month service. All fees shall be paid within sixty (60) days
3 from the date of billing.

4 **(k) Special Collections.** The Director may require special
5 collections as he deems appropriate under the circumstances in
6 accordance with Guam's procurement law or through a standard
7 schedule of fees established in accordance with Article 3 of Chapter 9 of
8 Title 5 of the Guam Code Annotated, *Administrative Adjudication Law,*
9 *Rule Making Procedures.*

10 **(l) Bulk Containers.** Solid waste collection contractors
11 shall make available sufficient numbers of bulk containers and meet all
12 requirements for such containers under this Regulation and may charge
13 a rental.

14 **Section 106. Transportation of Solid Wastes.**

15 **(a) Vehicle Standards.** All solid waste collection
16 transportation vehicles used by DPW authorized solid waste collection
17 contractors, shall be maintained in a safe, clean and sanitary condition,
18 and shall be so constructed, maintained and operated as to prevent
19 spillage of solid wastes, leakage of liquids or emission of offensive
20 odors therefrom.

21 **(b) Transportation of Own Wastes.** Any person
22 transporting solid wastes under the provision of this Regulation shall do
23 so in a manner as to prevent spillage of solid wastes, leakage of liquids
24 or emission of offensive odors therefrom.

1 **(c) Grading, Demolition and Construction Wastes.** Any
2 person transporting materials resulting from grading, demolition or
3 construction activities shall do so in vehicles so constructed and
4 maintained that none of the materials being transported shall spill onto
5 the public roads and streets.

6 **Section 107. Disposal of Solid Wastes.**

7 **(a) Disposal at Authorized Sites Only.** Solid wastes shall
8 be deposited at a processing facility or disposal area approved by DPW
9 and complying with all relevant requirements of local, state, and
10 Federal laws and regulations.

11 **(b) Hazardous Wastes.** The Director may direct certain solid
12 wastes deemed as hazardous wastes which will require special
13 handling, and shall be disposed of only in a manner acceptable to the
14 Director and in compliance with Guam and Federal laws and
15 regulations.

16 **(c) Unlawful Disposal.** It shall be unlawful for any person to
17 throw or deposit any solid wastes, or to cause the same to be thrown or
18 deposited, in or upon any street, alley, gutter, park, body of water or
19 other public property, or to throw or deposit the same in or upon any
20 private lot, yard or body of water.

21 **Section 108. Additional Prohibited Acts.**

22 **(a) Use of Other Than Own Container.** It shall be unlawful
23 for any person to deposit solid wastes in any solid waste container other
24 than his own without the written consent of the owner of such container

1 or with the intent of avoiding payment of the service fees for solid waste
2 collection.

3 (b) **Failure to Pay Fees.** It shall be unlawful for any person to
4 fail to pay the service fees when a person is receiving such service. The
5 government or any contractor collecting solid wastes under this
6 Regulation may enforce compliance with any provision of this
7 Regulation against such person or business. DPW may, in addition to
8 whatever other rights and remedies it may have, seek enforcement of
9 this Regulation under applicable laws of Guam.

10 (c) **Interference.** It shall be unlawful for any person to
11 interfere in any manner with solid waste collection equipment or solid
12 waste collectors in the lawful performance of their duties as such,
13 whether such equipment or collectors are those of the government or
14 those of an authorized solid waste collection contractor.

15 (d) **Burning.** Only application to and approval of the Guam
16 Fire Department prior to said burning may permit burning of solid
17 wastes.

18 (e) **Scavenging.** It shall be unlawful for any person to
19 molest, remove, handle or otherwise disturb the container or containers,
20 contents thereof, or other materials which have been placed out for
21 servicing by the collectors; *provided*, this Paragraph does not apply to the
22 occupant of the residence, dwelling or business establishment from
23 which the container and/or contents or materials are removed.

24 **Section 109. Contracts for Collection and Disposal Service.**

1 **(a) Contracts Authorized.** Contracts may be entered into
2 by the government of Guam for the collection and disposal of solid
3 wastes in accordance with the provisions of this Regulation. Such
4 contracts shall be for a period *not* to exceed five (5) years, and shall be
5 awarded in accordance with the Guam Procurement Law. The
6 contracting of services shall be made only to meet service requirements
7 which cannot be met by the Department. The full privatization of
8 services shall occur only after a privatization plan has been approved by
9 *I Liheslaturan Guahan*.

10 **(b) Exclusive Right.** Contracts for the collection and
11 disposal of solid wastes shall grant the contractor the exclusive right to
12 perform such services as are specified in the contract. However,
13 nothing in this Section or Chapter shall be construed so as to take away
14 from any occupant the right to recycle solid wastes produced on his
15 premises provided no health or safety violation results therefrom.

16 **(c) Liability Insurance.** No contract for solid waste collection
17 and disposal service shall be entered into by DPW until and *unless* the
18 prospective contractor shall procure and maintain for the duration of
19 the contract Workers Compensation insurance, and insurance against
20 claims for injuries to persons or damages to property which may arise
21 from or in connection with the performance of the work hereunder by
22 the contractor, his agents, representatives, employees or subcontractors.
23 The cost of such insurance shall be included in the Contractor's bid. The
24 coverage, minimum limits of insurance, deductibles, and self-insured
25 retention, as well as all other insurance provisions, shall be in form and

1 in an amount satisfactory to the government. Under no circumstances
2 shall the government be liable as a result of a contractor's activities.

3 **Section 110. Enforcement and Penalties.**

4 (a) **Inspection.** In order to ensure compliance with this
5 Regulation, the Director, as well as duly assigned personnel from
6 GEPA, the Department of Public Health and Social Services and the
7 Guam Fire Department are authorized to inspect any and all phases of
8 solid waste management within the oversight of the government. No
9 inspection shall be made in any dwelling unit unless authorized by the
10 occupant or in accordance with due process of law. In all cases where
11 such inspections reveal violation of the provisions of this Regulation,
12 the Director, or appropriate agency, shall issue notice for each such
13 violation stating therein the violation or violations found, the applicable
14 laws and regulations, and the time period within which corrective
15 action shall be taken.

16 (b) **Penalties.** Any person violating the provisions of this
17 Regulation shall be liable and may be fined not less than Ten Dollars
18 (\$10.00) nor more than Fifty Dollars (\$50.00) for each offense; and a
19 separate offense shall be deemed committed on each day during or on
20 which a violation occurs or continues. The fact that solid wastes
21 remains on any occupant's premises in a continuity is a violation of this
22 Regulation and shall be "*prima facie*" evidence that the occupant or the
23 property owner of such premises is responsible for the violation hereof.

24 (c) **Request for a Hearing.** Any person cited for violating
25 the provisions of this Regulation shall be served by DPW with an

1 administrative citation delineating the specific violation, and be notified
2 of the right to request a hearing under the Administrative Adjudication
3 Law, Article 2 of Chapter 9 of Title 5 of the Guam Code Annotated.

4 **Section 111. Rate Deviations; Disputes.**

5 (a) **Deviations.** The accumulation of solid wastes in certain
6 instances may be so far above the normal or average that the rates
7 relaxed by this Regulation may not be sufficient to fairly compensate the
8 collector for collecting the same, or the accumulation of solid wastes in
9 certain instances may be so far below the normal average that the rates
10 fixed by this Regulation may not be fair and just to the occupant
11 obligated to pay for the removal of such wastes. If either the collector or
12 the occupant believes such to be the fact, he may make written
13 application to the Director for relief, and it shall be the duty of the
14 Director to make an investigation and, *if necessary*, will recommend a
15 rate.

16 (b) **Deviations: Filing.** All cases of deviations from the rates
17 fixed by this Regulation shall be filed in writing with the Director.

18 (c) **Disputes.** The Director shall decide disputes over charges
19 made by collectors, or as to the character performed, and his decision
20 shall be final.

21 **Section 112. Development. Development Project.**

22 (a) **Development Project.** Means any of the following:

23 (1) A project for which a building permit is required for a
24 commercial, industrial or institutional building, marina, or
25 residential building having five (5) or more living units, where

1 solid waste is collected and loaded and any residential project
2 where solid waste is collected and loaded in a location serving five
3 (5) or more units.

4 (2) Any new public facility where solid waste is collected
5 and loaded, and any improvements for areas of a public facility
6 used for collecting and loading solid waste.

7 (3) The definition of development project *only* includes
8 subdivisions or tracts of single-family detached homes *if* within
9 such subdivisions or tracts there is an area where solid waste is
10 collected and loaded in a location which serves five (5) or more
11 living units. In such instances, recycling areas as specified in this
12 Regulation are only required to serve the needs of the living units,
13 which utilize the solid waste collection and loading area.

14 (b) **Improvement.** An improvement adds to the value of a
15 facility, prolongs its useful life, or adapts it to new uses. Improvements
16 should be distinguished from repairs. Repairs keep facilities in good
17 operating conditions, do not materially add to the value of the facility,
18 and do *not* substantially extend the life of the facility.

19 (c) **Floor Area of a Marina.** The floor area of a marina shall
20 be defined as the space dedicated to the docking or mooring of marine
21 vessels.

22 (d) **Public Facility.** The definition of public facility includes,
23 but is not limited to, buildings, structures, marinas and outdoor
24 recreation areas owned by a local agency.

1 **(e) Recycling Area (Areas for Recycling).** Space allocated for
2 collecting and loading of recyclable materials. Such areas shall have the
3 ability to accommodate receptacles for recyclable materials. Recycling
4 areas shall be accessible and convenient for those who deposit as well as
5 those who collect and load any recyclable materials placed therein.

6 **Section 113. General Requirements.**

7 **(a)** Any new development project for which an application for a
8 building permit is submitted on or after the approval date of this
9 Regulation, shall include adequate, accessible and convenient areas for
10 collecting and loading recyclable materials and solid waste.

11 **(b)** Any improvements for areas of a public facility used for
12 collecting and loading-solid waste shall include adequate, accessible
13 and convenient areas for collecting and loading recyclable materials and
14 solid waste.

15 **(c)** Any existing development project for which an application
16 for a building permit is submitted on or after the approval date of this
17 Regulation for a single alteration which is subsequently performed that
18 adds thirty percent (30%) or more to the existing floor area of the
19 development project shall provide adequate, accessible and convenient
20 areas for collecting and loading recyclable materials and solid waste.

21 **(d)** Any existing development project for which an application
22 for a building permit is submitted on or after the approval date of this
23 Regulation for multiple alterations which are subsequently performed
24 within a twelve (12) month period which collectively adds thirty percent
25 (30%) or more to the existing floor area of the development project shall

1 provide adequate, accessible and convenient areas for collecting and
2 loading recyclable materials and solid waste.

3 (e) Any existing development project for which multiple
4 applications for building permits are submitted within a twelve (12)
5 month period beginning on or after the approval date of this Regulation
6 for multiple alterations which are subsequently performed that
7 collectively adds thirty percent (30%) or more to the existing floor area
8 of the development project shall provide adequate, accessible and
9 convenient areas for collecting and loading recyclable materials and
10 solid waste.

11 (f) Any existing development project occupied by multiple
12 tenants, one (1) of which submits on or after the approval date of this
13 Regulation, an application for a building permit for a single alteration
14 which is subsequently performed that adds thirty percent (30%) or more
15 to the existing floor area of that portion of the development project
16 which said tenant leases shall provide adequate, accessible and
17 convenient areas for collecting and loading recyclable materials and
18 solid waste. Such recycling areas shall, at a minimum be sufficient in
19 capacity, number and distribution to service that portion of the
20 development project which said tenant leases.

21 (g) Any existing development project occupied by multiple
22 tenants, one (1) of which submits on or after the approval date of this
23 Regulation an application for a building permit for multiple alterations
24 which are subsequently performed within a twelve (12) month period
25 which collectively adds thirty percent (30%) or more to the existing floor

1 area of that portion of the development project which said tenant leases,
2 shall provide adequate, accessible and convenient areas for collecting
3 and loading recyclable materials and solid waste. Such recycling areas
4 shall, at a minimum, be sufficient in capacity, number and distribution
5 to serve that portion of the development project which said tenant
6 leases.

7 (h) Any existing development project occupied by multiple
8 tenants, one (1) of which submits within a twelve (12) month period
9 beginning on or after the approval date of this Regulation multiple
10 applications for building permits for multiple alterations which are
11 subsequently performed that collectively adds thirty percent (30%) or
12 more to the existing floor area of that portion of the development project
13 which said tenant leases shall provide adequate, accessible and
14 convenient areas for collecting and loading recyclable materials and
15 solid waste. Such recycling areas shall, at a minimum, be sufficient in
16 capacity, number, and distribution to serve that portion of the
17 development project which said tenant leases.

18 (i) Any costs associated with adding recycling space to existing
19 development projects shall be the responsibility of the party or parties
20 who are responsible for financing the alterations.

21 **Section 114. Guidelines for All Development Projects.**

22 (a) Where local standards exist, recycling areas should be
23 designed to be architecturally compatible with nearby structures and
24 with the existing topography and vegetation, in accordance with such
25 standards.

1 (b) The design and construction of recycling areas shall not
2 prevent security of any recyclable materials placed therein.

3 (c) The design, construction and location of recycling areas shall
4 not be in conflict with any applicable Federal, state or local laws relating
5 to fire, building, access, transportation, circulation or safety.

6 (d) Recycling areas or the bins or containers placed therein must
7 provide protection against adverse environmental conditions, such as
8 rain, which might render the collected materials unmarketable.

9 (e) Driveways and/or travel aisles shall, at a minimum,
10 conform to local building code requirements for garbage collection
11 access and clearance. In the absence of such building-code
12 requirements, driveways and/or travel aisles shall provide
13 unobstructed access for collection vehicles and personnel.

14 (f) A sign clearly identifying all recycling and solid waste
15 collection and loading areas, and the materials accepted therein, shall be
16 posted adjacent to all points of direct access to the recycling areas.

17 (g) Developments and transportation corridors adjacent to
18 recycling areas shall be adequately protected for any adverse impacts,
19 such as noise, odor, vectors or glare through measures, including, but
20 not limited to, maintaining adequate separation, fencing and
21 landscaping.

22 **Section 115. Additional Guidelines for Single Tenant**
23 **Development Projects.**

24 (a) Areas for recycling shall be adequate in capacity, number
25 and distribution to serve the development project.

1 (b) Dimensions of the recycling area shall accommodate
2 receptacles sufficient to meet the recycling needs of the development
3 project.

4 (c) An adequate number of bins or containers to allow for the
5 collection and loading of recyclable materials generated by the
6 development project should be located within the recycling area.

7 **Section 116. Additional Guidelines for Multiple Tenant**
8 **Development Projects.**

9 (a) Recycling areas shall, at a minimum be sufficient in capacity,
10 number and distribution to serve that portion of the development
11 project leased by the tenant(s) who submitted an application or
12 applications resulting in the need to provide recycling area(s) pursuant
13 to §111 'Development' of this Regulation.

14 (b) Dimensions of recycling areas shall accommodate
15 receptacles sufficient to meet the recycling needs of that portion of the
16 development project leased by the tenant(s) who submitted an
17 application or applications resulting in the need to provide recycling
18 area(s) pursuant to §111 'Development' of this Regulation.

19 (c) An adequate number of bins or containers to allow for the
20 collection and loading of recyclable materials generated by that portion
21 of the development project leased by the tenant(s) who submitted an
22 application or applications resulting in the need to provide recycling
23 area pursuant to §111 of this Regulation should be located within the
24 recycling area.

25 **Section 117. Location.**

1 (c) **Chapter 3. Reserved.** A Chapter 3 of the administrative,
2 rules and regulations of the Department is reserved pending the
3 promulgation of the rules and regulations by the Department pursuant to
4 Article 3, Chapter 9 of Title 5 of the Guam Code Annotated, or as otherwise
5 provided by law.

6 **Section 3. Implementation of Tipping Fees.** The Director may
7 implement any or all of the following:

8 (a) **Interagency Agreement.** Upon enactment the Director of
9 DPW, the Director of DOA, the Guam Power Authority and the Guam
10 Waterworks Authority may enter into an interagency agreement with the
11 concurrence of *I Maga'lahaen Guahan* for the purpose of billing and collection
12 of the tipping fees. Unpaid tipping fees by any person shall result in a
13 termination of solid waste hauling. The Guam Power Authority's data base
14 use for their consumer billing may be use as an initial data base for billing
15 purpose of the tipping fees. The Director of DPW from time to time may
16 update and modify this data base to comply with the mandate of Public Law
17 Numbers 24-139 and 24-272 and DPW's Division of Solid Waste Management
18 Rules and Regulations.

19 (b) **Request for Proposals.** The Director may, consistent with
20 applicable procurement laws, request for proposal(s) for the purpose of
21 billing and collection of the tipping fees from commercial haulers.

22 **Section 4. All Fees** All fees collected under the Rules and
23 Regulations established by the Division of Solid Waste Management of DPW
24 shall be deposited to the Solid Waste Operations Fund pursuant to §51118 of
25 Chapter 51, Division 2, Part 2 of Title 10 of the Guam Code Annotated.

1 **Section 5. Severability.** If any provision of this Law or its
2 application to any person or circumstance is found to be invalid or contrary to
3 law, such invalidity shall not affect other provisions or applications of this
4 Law which can be given effect without the invalid provisions or application,
5 and to this end the provisions of this Law are severable.

24-24-313

IA'BENTE KUATTRO NA LIHESLURAN GUAHAN

Office of the Vice Speaker

ANTHONY C. BLAZ



Chairman,
Finance & Taxation

July 23, 1998

Chairman,
Ethics & Standards

The Honorable Antonio R. Unpingco
Speaker

Vice-Chairman,
Committee on Rules

Mina'Bente Kuattro na Liheslaturan Guahan
Hagatña, Guam

Member,
Judiciary, Public Safety &
Consumer Protection

Dear Mr. Speaker,

Member,
Natural Resources

The Committee on Finance and Taxation, to which was referred *Bill No. 653(LS)* "An act to adopt the Rules and Regulations for solid waste collection, disposal, processing, and recycling for the Division of Solid Waste Management of the Department of Public Works" herein reports back with the recommendation *TO DO PASS BILL NO. 653(LS)*.

Member,
Tourism, Economic
Development, & Cultural
Affairs

Member,
Transportation,
Telecommunications &
Micronesia Affairs

Votes of the committee members are as follows:

Member,
Guam Finance
Commission

10 To Pass

Member,
Commission on Self
Determination

_____ Not to Pass

_____ To Inactive File

_____ Abstain

ANTHONY C. BLAZ

Attachments

COMMITTEE ON FINANCE & TAXATION


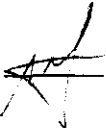

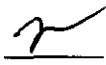

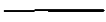
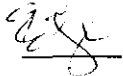

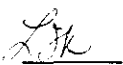
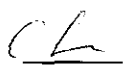
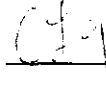

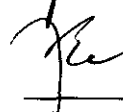
MINA'BENTE KUATTRO NA LIHESLATURAN GUÅHAN

155 Hesler Street, Hagåtña, Guam 96910

Chairman: Vice Speaker Anthony C. Blaz Vice Chairman: Senator Mark Forbes
Ex-Officio Member: Speaker Antonio R. Unpingco

VOTING SHEET ON:

Bill No. 653(LS) "An act to adopt the Rules and Regulations for solid waste collection, disposal, processing, and recycling for the Division of Solid Waste Management of the Department of Public Works".

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Anthony C. Blaz <i>Chairman</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Forbes <i>Vice-Chairman</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spkr. Antonio R. Unpingco <i>Ex-Officio Member</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Thomas C. Ada <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne M.S. Brown <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Charfauros <i>Member</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Edwardo J. Cruz <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. William B.S.M. Flores <i>Member</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Lawrence F. Kasperbauer <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberto A.C. Lamorena, V <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carlotta A. Leon Guerrero <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. John C. Salas <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Francis E. Santos <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Committee on Finance & Taxation

Vice Speaker Anthony C. Blaz, Chairman

Committee Report

Bill No. 653 (LS)

"An Act to adopt the Rules and Regulations for solid waste collection, disposal, processing, and recycling for the Division of Solid Waste Management of the Department of Public Works."

I. OVERVIEW:

The Committee on Finance and Taxation held a public hearing on Wednesday, July 22, 1998 at 1:30 p.m. in the legislative public hearing room to hear public testimony on *Bill No. 653(LS)*. Public Notice was announced and published in the Saturday, July 18, 1998 and Tuesday, July 21, 1998 issues of the Pacific Daily News.

II. COMMITTEE MEMBERS PRESENT:

The hearing was called to order by the Chairman of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz.

Other members of the Committee on Finance and Taxation present were:

Speaker Antonio R. Unpingco, Ex-Officio Member
Senator Eduardo Cruz, Member
Senator Lawrence F. Kasperbauer, Member
Senator Carlotta Leon Guerrero, Member
Senator John C. Salas, Member
Senator W. B. S. M. Flores, Member

Other Senators present were:

Senator Frank B. Aguon, Jr.
Senator Francisco P. Camacho
Senator Lou Leon Guerrero
Senator Vicente C. Pangelinan

Providing Public Testimony:

David Bush, Guahan Waste Control (oral)

Randy Sablan, GEPA (oral)

Joe Cruz, GEPA (oral)

Anthony T. Quinata, Director of DPW

David Aquiningoc, DPW

Alea Lynn, Mr. Rubbishman (written)

Eloise R. Baza, President, Guam Chamber of Commerce

SUMMARY OF TESTIMONIES:

The Director of the Department of Public Works endorsed the rules and regulations and recommended its adoption and passage. He stated it replicates one that was distributed at the September 29 & 30, 1997 public hearings conducted in Dededo and Merizo.

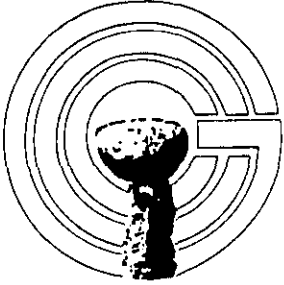
David L. Bush, General Manager of Guahan Waste Control, Inc., pointed out sections of the bill which needed to be addressed for it to be workable, such as, recycling program is vague and needs to be closely examined; grant authority to Director, DPW to: approve/disapprove containers used by private waste haulers, when there was none provided before; make certain decisions affecting frequency of service and to be the ultimate judge in a disputed charge against those engaged in private enterprise. Tipping fees: agrees that government should bill but is concerned that there variances that need to be resolved.

The general manager of Mr. Rubbishman, Alea K. Lynn shared the same sentiments as above.

Chamber of Commerce indicated that they would submit testimony at a later date so as to allow complete review of the proposed rules and regulations, as of this date they have not submitted any.

COMMITTEE RECOMMENDATION:

The Committee, having conducted a sufficient hearing hereby recommends passage *Bill No. 653(LS)*



**GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS**

July 22, 1998

Vice Speaker Anthony C. Blaz
Chairman
Committee on Finance and Taxation
Mina'Bente Kuattro Na Liheslaturan Guahan
155 Hesler Street
Hagat'na, Guam 96910

**RE: BILL NO. 653 -- PROPOSED RULES AND REGULATIONS FOR SOLID WASTE
COLLECTION, DISPOSAL, PROCESSING, AND RECYCLING**

Dear Vice Speaker Blaz:

We have been informed of the Committee on Finance and Taxation's Public Hearing, scheduled at 1:30 p.m. today on Bill No. 653 providing for the rules and regulations of Guam's solid waste collection, disposal, processing and recycling.

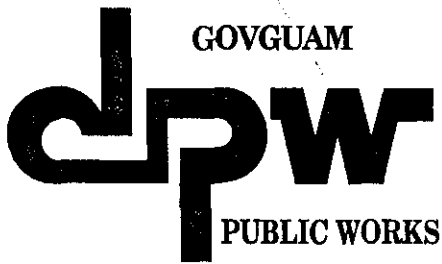
I am writing to request the opportunity to submit comments on the bill after today's public hearing to allow a complete review of the proposed rules and regulations.

Thank you for your consideration of our request. We look forward to your reply.

Sincerely yours,

ELOISE R. BAZA
President

cc: Members, Committee on Finance and Taxation



Dipattamenton Che'cho' Pubbleko

**Governor Carl T.C. Gutierrez
Lt. Governor Madeleine Z. Bordallo
Director Anthony T. Quinata, P.E.
Deputy Director J.A. "Tony" Martinez**

JUL 22 1998

Vice Speaker Anthony C. Blaz
Chairman
Committee on Finance and Taxation
Twenty-fourth Guam Legislature
155 Hesler St.
Hagatña, Guam 96910

Ref: Bill No. 653

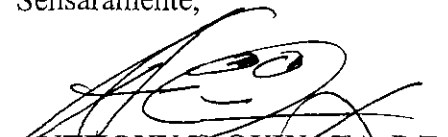
Hafa Adai Mr. Chairman:

Buenas Yan Saludas! The Department of Public Works is in receipt of your letter for a public hearing scheduled for July 22, 1998, at 1:30 p.m. today in reference to the above bill with regard to "An Act to Adopt the Rules and Regulations for Solid Waste Collection, Disposal, Processing and Recycling for the Division of Solid Waste Management of the Department of Public Works."

We have reviewed the bill and agree with the intent and fully support the adoption of the rules and regulations and therefore recommend passage of bill no. 653. The proposed rules and regulations for your information is verbatim of the one we circulated at the public hearings held last year in the villages of Dededo and Merizo on September 29 & 30, 1997. Copies of the taped public hearings were also subsequently submitted to your office.

We thank you for giving us the opportunity to provide our position on this bill and look forward to a quick passage of it. If there are any questions or should you require additional information, please call me at 646-3131.

Sensaramente,



ANTHONY T. QUINATA, P.E.



Pacific Sanitation Systems, Inc.
MR. RUBBISHMAN



P.O. BOX 24747 • G.M.F., GUAM 96921 • Telephone: (671) 649-5183 • Fax: (671) 649-5227

TESTIMONY AGAINST THE PASSAGE OF BILL # 653,

'AN ACT TO ADOPT THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION, DISPOSAL, PROCESSING, AND RECYCLING FOR THE DIVISION OF SOLID WASTE MANAGEMENT OF THE DEPARTMENT OF PUBLIC WORKS'

July 22, 1998

My name is Alea K. Lynn, General Manager of Pacific Sanitation Systems, Inc. dba MR. RUBBISHMAN. I am writing today to express my concerns regarding Bill 653. This bill is very much like several that have proceeded it in it's ambiguity and the fact that it gives the Department of Public Works authority over private enterprise. I have listed below several areas of concern:

1. This Bill gives the Director of Public Works authority over private enterprise.

Private hauling companies are currently directed and supervised by the Guam Environmental Protection Agency. The Director of Public Works should have control of government solid waste hauling and disposal ONLY, and no control over private solid waste hauling and disposal. There are several areas of this bill that allow the Director control over the operations of private enterprise.

Page 9, Section 104, c "Other Containers"

This section requires the Director of DPW to approve the type of vehicles and containers used by private enterprise. The Director of DPW has no business telling private companies what type of vehicles and containers to use.

This section also requires that the supplier of containers to clients is responsible for cleaning the containers. This is not reasonable. As a part of a service contract between a private hauler and client, the client is responsible for the care and cleanliness of their container. Otherwise, the private hauler will spend more time washing containers than picking up trash. The Director of DPW has no place regulating anything that has to do with the operations of private enterprise.

Page 12, Section 105, d "Collection Intervals"

This section allows the Director of Public Works to make decisions regarding the frequency that a container should be serviced by a private company. Service should be no less than once a week to prevent a health hazard and to prevent the privately owned containers from deterioration from the garbage and liquids collected inside. The Director of DPW has no place determining the frequency of collection at a privately contracted business or any other area of operations of private enterprise.

Testimony against the Passage of Bill 653, continued

Page 20, Section 111, a, b, & c "Rate Deviations and Disputes"

These sections allow the Director of DPW to set rates for private enterprise. This is totally unacceptable. AT NO TIME SHOULD THE DIRECTOR OF A GOVERNMENT AGENCY BE ALLOWED TO SET THE RATES THAT A PRIVATE COMPANY CAN CHARGE TO ITS CUSTOMERS. THIS SHOULD BE THE RESPONSIBILITY OF THE PRIVATE COMPANY AND ITS CUSTOMER ONLY.

2. This bill is ambiguous regarding the implementation and collection of user fees

Page 14, Section 105, j "Collection Fees"

This section makes no sense whatsoever. It allows only 30 days to collect tipping fees from users, and it does not determine who shall be paying these fees. Does this apply to residential and commercial users alike? What are the fees? Who will bill the users? How will the users be billed? Will they be billed by volume or weight?

Page 27, Section 2, a "Rules Making Procedure. Amendment"

This section allows the PUC to set the tipping fees. This is yet another costly and time consuming process. Since there is no definition of the type of fees to be implemented in this bill, whether they be volume based or weight based, how will the PUC determine what the fees will be?

Page 28, Section 3, "Interagency Agreement"

This section allows the Directors of DPW, DOA, and GPA to determine a billing system for the tipping fees. This billing will be added to the GPA bills. Will this be a comprehensive billing system for both residential and commercial users? And how will they account for all of the houses that are being serviced by the DPW Solid Waste Department, that do not have billings from GPA? There are thousands of households that do not receive GPA bills that are being serviced by DPW.

3. Section 105, b, "Collection and Transport Assignments" on Page 11-12 is confusing.

I do not understand this section as it pertains to recyclable materials. Are the recyclable materials considered to be solid waste? Does this section disallow current haulers from hauling recyclable materials from businesses to privately owned recycling centers? This section mentions "community-based" recycling centers, but makes no allowance for privately owned and operated recycling centers that are currently in business.

Testimony against the Passage of Bill 653, continued

4. Concerns Not Covered by this Bill #653

This bill does not state whether user/tipping fees will be charged on a volume or weight basis.

This is a major concern. If the fees are weight-based, how will the waste be weighed? Will scales be installed at the landfill? If so, how many? No less than two (2) scales are needed for efficient operation of the weighing. If the fees are volume based, who will determine the volume of garbage that has been collected? And how will the the volume be determined?

This bill does not state who will be responsible for collection of commercial fees.

Either way the fees are structured, who will be responsible for billing commercial fees and collecting them? Our company is not will to become a collection agent for the Government of Guam.

This bill does not state if the collection of fees will be subject to GRT if they are collected by the private companies.

The collection of government fees should not be subject to GRT if collected by private companies as an addition to their monthly service fees.

In conclusion, I would like to reinforce that this bill is much too ambiguous. There are no clear cut answers on the main topic of the bill, the user / tipping fees. There are also many areas of the bill that allow the Government of Guam control over the operations of a private company. Both of these items are totally unacceptable.

These are areas that need to be explored much more before passage of any rules and regulations. I respectfully ask each of you to think long and hard about these items and vote against the passage of Bill 653 for the reasons listed herein.

Alea K. Lynn
General Manager
Pacific Sanitation Systems, Inc.
Dba MR. RUBBISHMAN

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



JUN 19 1998

MEMORANDUM

TO: Chairman
Committee on Finance and Taxation ✓

FROM: Chairman *[Signature]*
Committee on Rules, Government Reform and Federal Affairs

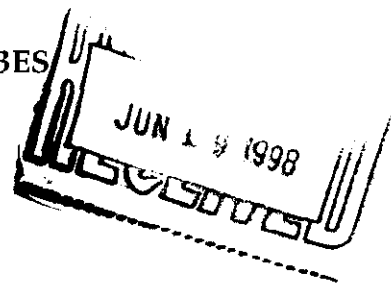
SUBJECT: Referral- Bill No. 653

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment





MINA' BENTE KUÁTRO NA LIHESLATURAN GUÁHAN
Committee on Finance & Taxation
Vice Speaker Anthony C. Blaz, Chairman

Public Hearing
Wednesday, July 22, 1998
Public Hearing Room
155 HESLERST, HÁGAT'NÁ, GUAM 96910

AGENDA

- **PROPOSED AMENDMENTS TO THE GUAM BOARD OF ACCOUNTANCY RULES AND REGULATIONS**
- **BILL 648:** AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL AN ABANDONED PRE-WAR BULL-CART TRAIL IN THE MUNICIPALITY OF TAMUNING.
- **BILL 649:** AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY.
- **BILL 653:** AN ACT TO ADOPT THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION, DISPOSAL, PROCESSING, AND RECYCLING FOR THE DIVISION OF SOLID WASTE MANAGEMENT OF THE DEPARTMENT OF PUBLIC WORKS.
- **BILL 654:** AN ACT TO AUTHORIZE AND APPROPRIATE MONEY FROM THE GENERAL FUND TO THE GUAM MASS TRANSIT AUTHORITY FOR THE PURPOSES OF PURCHASING PASSENGER BUSES, MINI BUSES AND MINI VANS FOR THE SERVICIO PARA I MANAMKO (SPIMA) PROJECT OF THE GOVERNMENT OF GUAM ASSOCIATION OF RETIRED PERSONS (GGARP).
- **BILL 675:** AN ACT TO APPROPRIATE FROM THE MANPOWER DEVELOPMENT FUND TO THE DEPARTMENT OF ADMINISTRATION FOR WORKER'S COMPENSATION COMMISSION LIABILITY OF THE GOVERNMENT OF GUAM.
- **BILL 700:** AN ACT TO AMEND CHAPTER 12, TITLE 12 GCA AND TO ADD NEW SECTIONS 32604 TO ARTICLE 6, CHAPTER 32, TITLE 5, GCA MANDATING THAT OVERALL OPERATIONS AND RATES CHARGED BY CABLE OPERATORS SHALL BE UNDER THE OVERSIGHT, SUPERVISION AND APPROVAL OF THE PUBLIC UTILITIES COMMISSION.
- **BILL 701:** AN ACT TO ADD NEW PROVISIONS TO SECTION 7, P.L. 24-171, THE "I TANO'-TA LAND USE PLAN", RELATIVE TO AUTHORIZING UNEXPENDED FY '98 FUNDS FOR IMPLEMENTATION OF THE PLAN TO BE CARRIED OVER TO 1999.
- **BILL 702:** AN ACT TO ESTABLISH A SPECIAL FUND TO BE USED BY THE GOVERNMENT OF GUAM FOR THE COLLECTION AND DISTRIBUTION OF APPROPRIATED FUNDS FOR COMPETITIVE INTERSCHOLASTIC ACTIVITIES. THIS SPECIAL FUND SHALL BE KNOWN AS THE "INTERSCHOLASTIC PARITY FUND," AND SHALL BE USED TO PROVIDE PARITY TO COMPETITIVE INTERSCHOLASTIC ACTIVITIES BASED ON ACADEMIC ACHIEVEMENT.
- **BILL 703:** AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PARKS & RECREATION OFF-ISLAND SPORTS TRAVEL FUND TO SUBSIDIZE THE COST OF AIR TRAVEL FOR THE GUAM NATIONAL BASEBALL TEAM.
- **BILL 705:** AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO SELL AN ABANDONED PRE-WAR BULL-CART TRAIL IN THE MUNICIPALITY OF DEDEDO.

Pacific Daily News
Tuesday, July 21, 1998



NOTICE OF PUBLIC HEARING

Committee on Finance & Taxation Vice Speaker Anthony C. Blaz
MINA BENTE KUAITRO NA LIHESLATURAN GUÅHAN
155 HESLER ST. HÅGAIÑÅ GUAM 96910

WEDNESDAY JULY 22, 1998, 1:30 PM
I LIHESLATURAN GUÅHAN, PUBLIC HEARING ROOM

PROPOSED AMENDMENTS TO THE GUAM BOARD OF ACCOUNTANCY
RULES AND REGULATIONS

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The Public is invited to attend and present written and/or oral testimony.
Contact the Office of Vice-Speaker Anthony C. Blaz at 472-3557/58/60

Pacific Daily News

Saturday, July 18, 1998



NOTICE OF PUBLIC HEARING

Committee on Finance & Taxation Vice Speaker Anthony C. Blaz
MINA' BENTE KU'ATRO NA LIHESLATURAN GU'AHAN
155 HESLER ST. H'AGAT'NA, GUAM 96910

WEDNESDAY JULY 22, 1998, 1:30 PM

I LIHESLATURAN GU'AHAN, PUBLIC HEARING ROOM

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