



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

DEC 14 2000


The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:12 am</u>
Date	<u>12.15.00</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 478 (LS), "AN ACT APPROVE AND AMEND THE INTEGRATED SOLID WASTE MANAGEMENT PLAN," previously vetoed and overridden by i Liheslatura, the Legislature. This legislation is now designated as **Public Law No. 25-175**.

Very truly yours,


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

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

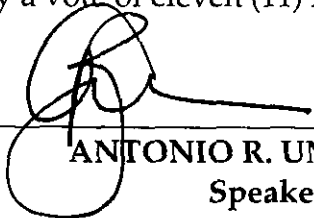
cc: The Honorable Antonio R. Unpingco
Speaker

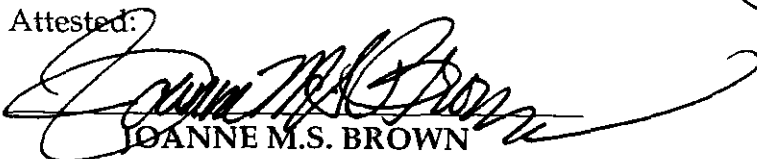
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MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

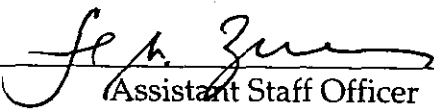
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 478 (LS), "AN ACT TO APPROVE AND AMEND THE INTEGRATED SOLID WASTE MANAGEMENT PLAN," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 12th day of December, 2000, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of eleven (11) members.


ANTONIO R. UNPINGCO
Speaker.

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 13th day of December,
2000, at 1:15 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

Public Law No. 25-175

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 478 (LS)

As substituted by the Committee
on Natural Resources and amended on
the Floor.

Introduced by:

J. M.S. Brown
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO APPROVE AND AMEND THE
INTEGRATED SOLID WASTE MANAGEMENT
PLAN.**

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

2 **Section 1. Legislative Findings and Intent.** Public Law Number 24-
3 272 required that the Guam Environmental Protection Agency, pursuant to the
4 Administrative Adjudication Law, create a Solid Waste Management Plan for

1 Guam and submit said Plan to *I Liheslaturan Guåhan*. *I Maga'lahaen Guåhan*
2 submitted the Integrated Solid Waste Management Plan for the Island of
3 Guam on August 25, 2000. Said Plan consists of three (3) parts, Phase I, Phase
4 II and Part III consisting of Attachments created by the Guam Planning
5 Council which are affixed thereto. *I Mina'Bente Singko Na Liheslaturan Guåhan*
6 wants to approve said Plan with certain deletions. Said Plan recommends the
7 implementation of a purported contract between the government of Guam
8 and Guam Resource Recovery Partners, which *I Liheslaturan Guåhan* has
9 already disapproved of and refused to fund. *I Liheslaturan Guåhan* wants to
10 maintain and continue government of Guam policy against the use of
11 municipal waste incinerators for trash disposal.

12 The Plan calls for the creation of a separate government agency to deal
13 with waste management, a function which is adequately performed by the
14 Department of Public Works, and *I Liheslaturan Guåhan* believes the creation of
15 such an agency would result in unnecessary expense and duplication of effort
16 within the Executive Branch of government. The Committee on Natural
17 Resources of this *Liheslatura* conducted a public hearing on this Plan on
18 September 19, 2000 and October 12, 2000 at which public comments were
19 received, much of it unfavorable to the concept of an incinerator and the
20 aforementioned contract with Guam Resource Recovery Partners. A copy of
21 said Plan is attached hereto. Phase I, Phase II, and the Attachments are
22 denominated Exhibits A, and B, respectively.

23 **Section 2.** *Except* as provided herein, the Integrated Solid Waste
24 Management Plan for the Island of Guam is hereby adopted, recognized and

1 established as the sole governing Plan on the subject, and shall supercede any
2 Integrated Solid Waste Management Plan which the Executive Branch may, or
3 may not, legally have in place. Said Plan may be modified by the Guam
4 Environmental Protection Agency in accordance with the provisions of the
5 Administrative Adjudication Law and Public Law Number 24-272, but *only* in
6 a manner consistent with this Act. No officer or agency of the government of
7 Guam shall implement or expend funds, or commit resources to implement
8 any portion of the Integrated Solid Waste Management Plan for the Island of
9 Guam which is disapproved or deleted by this Act or any waste-to-energy
10 facility, or any incineration project aimed at reduction of municipal solid
11 waste. It is against government of Guam policy to create an incinerator for the
12 disposal of municipal solid waste or the disposal of any waste other than
13 biologically hazardous waste.

14 **Section 3.** Any tables, photographs, graphs, statistics or the like, in the
15 Plan, which are inconsistent with the language herein or the attachments, or
16 which support the creation of an incinerator or waste-to-energy facility are
17 deemed deleted.

18 **Section 4.** This Act shall take effect immediately.

19 **Section 5.** Section 73113 is hereby *added* to Chapter 73, Division 3 of
20 Title 10 of the Guam Code Annotated to read as follows:

21 **“Section 73113. Municipal Solid Waste Incinerators Prohibited.**
22 Notwithstanding any other provision of law, it shall be unlawful for any
23 person to construct or operate on Guam a municipal solid waste
24 incinerator or a waste-to-energy facility, as defined by the rules and

1 regulations of the United States Environmental Protection Agency or the
2 laws of the United States of America. Nothing in this Section shall be
3 construed as prohibiting the construction or operation of hazardous
4 waste incinerators or biomedical incinerators, as defined by the rules
5 and regulations of the United States Environmental Protection Agency
6 or the laws of the United States of America.”

7 **Section 6.** Section 51110(a)(8) of Article 1, Chapter 51, Part 2 of Title 10
8 of the Guam Code Annotated is hereby *repealed and reenacted* to read as
9 follows:

10 “(8) No person shall destroy or attempt to destroy by burning,
11 *except* as authorized by §73113 of Chapter 73, Division 3 of Title 10 of the
12 Guam Code Annotated, any garbage, dead animals or other offensive
13 substances, the burning of which may give off foul and noisome odor.
14 Nothing in this Section shall preclude the burning of trees, brush, grass
15 and other vegetable matter authorized by the Administrator.”

16 **Section 7. Severability.** *If* any provision of this Section or its
17 application to any person or circumstance is found to be invalid or contrary to
18 law, such invalidity shall *not* affect other provisions or applications of this
19 Section which can be given effect without the invalid provisions or
20 applications, and to this end the provisions of this Section are severable.