

## CHAPTER 21

### SOLID WASTE COLLECTION REGULATIONS

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**NOTE:** Rule-making authority cited for formulation of Solid Waste Collection by the Guam Environmental Protection Agency 10 GCA Chapter 51.

The original publication was made on February 15, 1975.

These Rules and Regulations were filed with the Legislative Secretary on June 16, 1986. **§21101. Objective and Purpose.** Solid waste must be efficiently collected and properly transported in order to avoid hazards to health, safety and the environment. Proper management of Guam's refuse collection system will promote effective vector control as well as prevent significant degradation of community landscapes. It is therefore the primary objective of these regulations to protect, enhance and preserve the beauty of the land as well as maintain the healthful and overall well-being of the people of Guam. Further, it is the purpose of these regulations to require adequate planning as an essential element for the proper collection of solid waste and to control practices that may be detrimental to the environment and all who live therein.

**§21102. Definitions.** For the purposes of these regulations the following definitions are in effect:

(a) *Administrator* shall mean the Administrator of the Guam Environmental Protection Agency or his designee.

(b) *Agency* shall mean the Guam Environmental Protection Agency.

(c) *Board* shall mean the Board of Directors of the Guam Environmental Protection Agency.

(d) *Bundle* shall mean a collection of rubbish paper products or vegetation that is securely and tightly bound together.

(e) *Business* shall mean any individual, proprietorship, partnership, corporation both profit and non-profit, association, joint venture, or project, both public and private, which engages in educational, commercial or industrial activity, including but not limited to any hotel, restaurant, apartment or store.

(f) *Collection* shall mean the act of removing waste from the storage container at the source of generation and the transport of the waste to the site where it is to be discharged.

(g) *Collector* shall mean any individual, governmental organization or business which has received a permit to collect and transport waste in accordance with these regulations and applicable laws.

(h) *Container* shall mean a device that holds waste in an environmentally acceptable manner and that restricts access to the waste by any vector or animal.

(i) *Generator* shall mean the business that produces solid waste.

(j) *Hazardous Waste* shall mean solid waste, or a combination of solid waste determined to be hazardous under Part III (Identification and Listing of Hazardous Waste) of Guam's Hazardous Waste Management Regulations, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in the mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed, or otherwise managed.

(k) *Manifest* shall mean a document which accurately details the identification, handling, transport and storage of any cargo.

(l) *Operator* shall mean an individual who actuates the designed function of any machine, equipment, vehicle, business or service.

(m) *Owner* shall mean the occupant of a dwelling unit or place of business; provided that if said dwelling unit or place of business is rented to any such occupant, then the term "owner" shall also mean the person to whom the rent is paid.

(n) *Person* shall mean an individual, trust, firm, joint stock company, corporation, association, partnership, or any organized group of persons whether incorporated or not, Territorial agency, federal agency, or an agent or employee thereof.

(o) *Route Map* shall mean a map which shows in detail the path that a particular collection vehicle is to take during the course of its daily operation.

(p) *Solid Waste* shall mean any garbage, trash, refuse or other solid material from municipal, industrial residential, recreational or commercial activities that is discarded as no longer having value for its designed or intended use.

(q) *Storage* shall mean the containment of solid waste after it has been generated and before it is collected for disposal.

(r) *Vector* shall mean any insect, arthropod, invertebrate, rodent or other animal capable of transmitting disease to humans.

**§21103. Permits.** A permit is required for any person providing a regular collection service to a business, place, residence or institution. A permit is also required for any generator or group of generators that store, collect and transport as an activity of business operation. A permit is not required for the irregular and infrequent collection and transport of accumulated solid waste such as by a resident or homeowner, or by a business which is otherwise served by a collection service. The approval of a permit shall be contingent upon the applicant's demonstration of his capability to comply with these regulations.

**§21104. Permit Application.** (a) The applicant(s) shall use forms as provided by the Agency, shall make two (2) additional copies of the completed forms, and

shall submit the original and a copy to the Agency and keep one (1) copy on file.

(b) The permit application for the collection of solid waste by the generator shall include the following:

(1) the estimate volume or weight of solid waste collected per week;

(2) the schedule and route used by the vehicle transporting the solid waste; and

(3) identification of any vehicle used for collection including make, type and license number.

(c) The permit application for the collection service by a person other than the generator shall include the following:

(1) the number and specifications of each type of collection vehicle in service including make, type, license number and crew size;

(2) a representative copy of the route map or schedule sheet to be used by the collection crew in the performance of daily assignments;

(3) a narrative description of the schedule and method of collection operations;

(4) estimated monthly volume or weight of solid waste collected.

(d) The applicant shall have sixty (60) calendar days after the effective date of these regulations to submit the application to the Agency. An extension may be granted if a written request with justification is submitted to the Agency and approved by the Administrator before the deadline.

(e) All new applications or renewal applications for a solid waste collection permit shall be accompanied by a nonrefundable application fee of \$25.00 payable to the Treasurer of Guam.

**§21105. Action on the Application.** (a) The Administrator shall evaluate the permit application and act upon it within thirty (30) calendar days after the receipt of the application and shall notify the applicant in writing of the action taken.

(b) Additional information necessary to clarify any part of the submitted permit application may be

requested by the Administrator. The permit evaluation period shall begin upon receipt of the requested information.

(c) There are three (3) responses possible to an application:

(1) **Approval** - the applicant may proceed as indicated in the application and in compliance with applicable regulations and laws.

(2) **Conditional Approval** - the applicant may proceed with operations but is required to comply with conditions as delineated by the Administrator.

(3) **Denial** - the applicant who is not allowed a permit may pursue the following course of action:

(A) The applicant may submit questions, provide further information or make a request for reconsideration, in writing and in duplicate, in response to the action taken on the permit application. The Administrator will consider these and shall within ten (10) working days of their receipt notify the applicant in writing of the final decision on the application.

(B) The applicant shall then have the opportunity to appeal the Administrator's decision at a hearing before the Board. The request for a hearing must be submitted to the Board within fifteen (15) working days after the applicant's receipt of the Administrator's final decision. The request must state the reason(s) for the appeal. Procedures for conducting the hearing shall be in accordance with the Administrative Adjudication Act of the Government Code of Guam.

(d) The Administrator shall approve the permit if it is sufficiently demonstrated in the application and in supporting information that the collection, transport, hauling or conveyance of any waste shall pose no threat to the environment or public health, and that the needs of the area serviced will be adequately met.

**§21106. Duration of Permit.** (a) Unless otherwise restricted or revoked by the Administrator the permit is valid for three (3) years.

(b) The renewal application shall be submitted between ninety (90) to thirty (30) calendar days prior to the expiration date of the permit.

**§21107. Revocation.** (a) The Agency may, on its own motion or by the application of any person, modify, suspend or revoke a permit if, after affording the permit holder a hearing, it is determined that any condition of the permit or any regulation of the Agency has been violated, or that such action is deemed in public interest.

(b) The permit holder may request an appeal by submitting written justification to the Board within fifteen (15) working days after notification of action on the permit.

(c) Procedures for conducting a hearing shall be in accordance with the Administrative Adjudication Act of the Government Code of Guam.

**§21108. Transfer.** The permit is not transferable to any other person operator, organization of business without the prior written approval of the Administrator.

**§21109. Termination.** The permit may be terminated after written notification of such action is received by the Agency. It will be required that the permit be surrendered when operations cease.

**§21110. Posting.** The permit shall be posted in a conspicuous spot at the collector's business or administrative office.

**§21111. Alteration.** It shall be unlawful for anyone to intentionally deface, alter, forge, counterfeit or falsify a permit. Any alteration as described in this section shall bring about immediate revocation of the permit.

**§21112. Vehicle Design and Use.** Vehicles used for the collection and transport of solid waste shall adhere to the following:

(a) Vehicles that carry garbage or other putrescible waste shall be maintained in a clean condition and shall be washed at least once per week. Washwater runoff shall be treated with respect to clean water standards.

(b) Any vehicle carrying solid waste, including trash, paper and construction debris, shall use restraining devices necessary to prevent the possibility of litter, spillage or leakage of the collected waste.

**§21113. Standards and Regulations: Generally.**

(a) It is required that any occupant, operator or owner or any business, non-profit organization or institution, public or private park, mobile canteen or concession stand, or the promoter of any event where an excess of one hundred (100) people are expected shall ensure that containers of sufficient volume and number to adequately handle the solid waste generated are provided. The containers shall be maintained and serviced so that there is no littering or overflowing of waste and to prevent the attraction and harborage of vectors.

(b) The owner of a building being constructed, reconditioned or repaired shall be responsible for the proper collection and disposal at a permitted landfill of all waste generated by such work activities.

(c) Collection of hazardous wastes will not be permitted under these regulations. All hazardous waste shall be prepared, manifested, contained, labeled, stored and disposed of in accordance with laws, rules and regulations promulgated by the U.S. Department of Transportation, the United States Environmental Protection Agency and the Guam Environmental Protection Agency.

(d) The owner or tenant of any business establishment or industry shall be held responsible for the satisfactory containment and removal of all solid waste accumulated by him on his property or premises.

(e) Except for extenuating circumstances due to weather or man-made conditions, the generator or collector shall collect and transport solid waste on a minimum schedule of once per week, unless any other schedule is reported in the permit application and is approved by the Administrator.

(f) The owner of any business, industry, or institution shall be required to incorporate into the design plans of a new building or facility to be constructed, a specific area for placement of containers

of sufficient volume and number of adequately handle the solid waste generated from the building or facility.

**§21114. Responsibilities of the Collection System User.** (a) Residential User:

(1) On the designated collection day bundles and solid waste containers shall be placed at a spot readily accessible to the collection crew.

(A) The container stands, or any device used to hold waste containers shall be kept clean and in good repair.

(B) The containers shall meet the requirements of the Department of Public Health and Social Services and shall not allow the entry of vectors through the bottom, sides or top.

(C) Bundles shall not weigh more than fifty (50) pounds nor be more than four (4) feet in length.

(2) The owner is held responsible for keeping the area around the containers free of litter.

(3) The area where containers are set out for collection shall be kept clear of hazards to the collection crew. Animals that may harass or harm the collection crews must be restrained.

(4) A sufficient number of containers must be provided for the amount of solid waste generated.

(b) Business or Institutional User:

(1) The containers shall be kept clean and maintained in an area readily accessible to and easily maneuvered by collection vehicles.

(2) Wherever necessary proper signs shall be clearly posted that prohibit blockage of access to the containers by collection vehicles. Compliance shall be the responsibility of the operator of the business or institution.

(3) A sufficient number of containers must be provided for the amount of solid waste generated and the area around the container shall be cleaned regularly and kept free of litter.

(4) The area near the container shall be kept clear of hazards to the collection crew or vehicle.

(5) Waste shall not be allowed to accumulate beyond the top of the container.

**§21115. Responsibilities of the Collector.** (a) Where the collector furnishes containers, he shall be responsible for maintaining the containers in good condition (ordinary wear and tear excepted) unless they are furnished under other terms, conditions or agreements. The collector shall plan with the property owner/or occupant as to the placement of the containers to minimize traffic, aesthetic and other problems both on the property and for the general public.

(b) Collection may be done on a private road if it is determined by the collector:

(1) that there is sufficient amount of solid waste to justify the trip by the collection vehicle;

(2) that the owner waives rights in writing to any damage of the road, utilities, plants, container stands and fences by the collection crew during the normal performance of their duties;

(3) that the road is sufficiently wide and is maintained in such a manner that collection can be done without jeopardy to the equipment and crew or possibility of damage to adjacent property.

(c) The collector shall notify the Agency whenever regularly scheduled collection service is reduced to once per week or less. The notification shall include the circumstances causing the reduction, the estimated length of time of reduced service, and the areas affected.

(d) The collector's employees shall:

(1) have means of identification as employees of the collection service, i.e., identification cards;

(2) replace the container covers and return the containers to the location from which it was taken;

(3) not trespass unnecessarily on private property;

(4) try not to damage shrubs, trees, lawns or fences;

(5) not harm any animal except to defend themselves. Such incidences shall be reported by the collector to the owner in an official notice. Collection

service may be discontinued if the owner fails to take corrective action.

**§21116. Ownership.** Solid waste shall become property of the collection service after such time as the collector takes possession.

**§21117. Tampering.** It shall be unlawful for any person to remove or tamper with any container or bundle that has been placed for collection without the container owner's permission.

**§21118. Enforcement.** (a) **Inspection and Entry.** The Administrator shall have the power to enter at a reasonable time upon any private or public property for the purpose of inspecting and investigating conditions relating to these regulations.

(b) The collector may terminate collection service for continued violation of these regulations by the collection system user after adequate notice has been given. The collector shall contact the Agency seven (7) days prior to the termination and shall provide adequate information to identify the violation, its location and the person responsible.

**§21119. Severability.** If any provision of these regulations, or the application thereof to any person or circumstance, is held to be invalid, then such invalidity shall not affect other provisions or the application of any part of these regulations which can be given effect without the invalid provision or application. It is to these ends that the provisions of these regulations and various applications thereof are declared to be severable.

**§21120. Application.** All parts of these regulations apply to the Territory of Guam and shall become effective forty-five (45) calendar days after the date they are officially submitted to the Guam Legislature, or upon the date of approval by the Guam Legislature if such approval occurs within the forty-five (45) days.