



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

01 FEB 2007

The Honorable Mark Forbes
Speaker
Mina' Bente Nuebe Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 232(EC), "AN ACT TO REPEAL AND REENACT ARTICLE 5 OF CHAPTER 51 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CHANGING THE RECYCLING REVOLVING FUND AND RECYCLING FEES" which I signed into law on January 29, 2007, as Public Law 28-171.

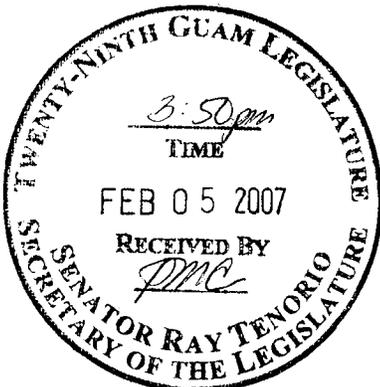
Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Ray Tenorio
Senator and Secretary of the Legislature



Handwritten notes and stamps including 'Date: 2/2/07', 'Time: 11-', 'Read by: [initials]', 'Print Name: R. J. BL', and '29-07-0123'.

123

Handwritten notes including '5:04 PM' and '2/5/07'.

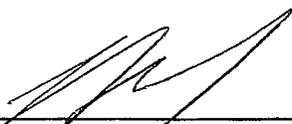
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

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

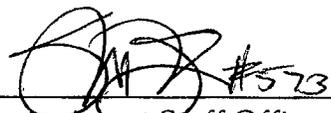
This is to certify that Substitute Bill No. 232 (EC), "AN ACT TO REPEAL AND REENACT ARTICLE 5 OF CHAPTER 51 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE RECYCLING REVOLVING FUND AND RECYCLING FEES," was on the 29th day of December, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 30 day of Dec, 2006, at
1:30 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 29 JAN 2007

Public Law No. 28-171

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 232 (EC)

As substituted by the Committee
on Natural Resources, Utilities
and Micronesia Affairs and
amended.

Introduced by:

J. M.S. Brown
F. B. Aguon, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
J. A. Lujan
A. B. Palacios, Sr.
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

**AN ACT TO REPEAL AND REENACT ARTICLE 5 OF
CHAPTER 51 OF DIVISION 2 OF TITLE 10, GUAM
CODE ANNOTATED, RELATIVE TO CHANGING THE
RECYCLING REVOLVING FUND AND RECYCLING
FEES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that P. L.
3 25-175, which approved the Solid Waste Management Plan, imposes disposal fees on
4 automobiles and white goods in order to fund the recycling and disposal thereof.
5 Subsequent mandates have been enacted – P. L. 27-38, 27-148, 28-05, and 28-58 – to

1 conform to the intent of the Solid Waste Management Plan, which is to reduce the
2 island's solid waste stream through responsible methods such as recycling in order to
3 extend the lifespan of the planned new sanitary landfill.

4 *I Liheslatura* further finds that while P.L. 27-38 established the Recycling
5 Revolving Fund, P.L. 27-148, 28-07 and 28-58 were subsequently passed to address
6 complexities manifested during implementation. The law created a cumbersome
7 process as well as unfunded administrative costs associated with fee collection. *I*
8 *Liheslatura* also finds that there was a desire and a recommendation put forth from
9 the community to have the fee assessed as a single charge.

10 **Section 2. *Repeal and Reenact Article 5, Chapter 51, Division 2 of Part 2***
11 **of Title 10, Guam Code Annotated.** Article 5 of Chapter 51 of Division 2 of Part 2
12 of Title 10, Guam Code Annotated is hereby *repealed* and *reenacted* to read as
13 follows:

14 **“Article 5**

15 **§51501. Definitions.**

16 **§51502. Recycling Revolving Fund.**

17 **§51503. Continuing Appropriation.**

18 **§51504. *Administration of the Recycling Fund***

19 **§51505. *Levy and Collection of Recycling Fees.***

20 **§51506. Recycling Fees.**

21 **§51507. Authorization for Department of Public Works (“DPW”) to contract**
22 **with recycling companies.**

23 **§51508. Adjustment of Recycling Fees.**

24 **§51501. Definitions.** As used in this Article, and except as otherwise provided,
25 the following words and phrases shall mean:

- 1 (a) **'Administrator'** shall mean the Administrator of the Guam
2 Environmental Protection Agency, or his designee.
- 3 (b) **'DPW'** shall mean the Department of Public Works.
- 4 (c) **'Director'** shall mean the Director of the Department of Public Works.
- 5 (d) **'Enameled white goods'** shall mean appliances for home or commercial
6 use including, but *not limited to*, refrigerators, water heaters, air conditioners,
7 washers, dryers, and stoves.
- 8 (e) **'GEPA'** shall mean the Guam Environmental Protection Agency.
- 9 (f) **'Gross Vehicle Weight' or 'Gross Vehicle Weight Rating'** means the
10 value specified by the manufacturer as the loaded weight of a single vehicle.
- 11 (g) **'Heavy Equipment'** shall mean any equipment, motor vehicle or motor
12 carrier, or non-road motor vehicle with a gross weight or gross vehicle weight
13 of five (5) tons or more.
- 14 (h) **'Junk Vehicle'** means a motor vehicle, regardless of operating condition,
15 that the registered owner has declared to have no value or no use, or that is
16 abandoned by being placed, discarded, or disposed of on public or private
17 property without approval by owners of said property for more than seven (7)
18 calendar days, or that is no longer registered in accordance with Chapter 7 of
19 Title 16 GCA.
- 20 (i) **'Motor Vehicle' or 'motorized vehicle'** shall mean automobiles,
21 automobile trucks, automobile wagons, buses, trucks, motorcycles or other self
22 propelled wheeled conveyances that are primarily for use on Guam's public
23 streets, roads, and highways that are required to be registered with the Motor
24 Vehicles Division, Department of Revenue and Taxation, Government of
25 Guam.

1 (j) ***'Municipal Solid Waste'*** is a subset of solid waste and is defined as
2 durable goods (e.g., appliance, batteries, tires), nondurable goods (e.g.,
3 newspapers, books, magazines), containers and packaging, food wastes, yard
4 trimmings, and miscellaneous organic wastes from residential, commercial,
5 and industrial non-process sources.

6 (k) ***'Recyclable materials'*** means materials which still have useful physical
7 or chemical properties after serving a specific purpose for the same or other
8 purpose. Recyclable materials are as follows:

- 9 (1) batteries (i.e., lead-acid, portable computer batteries,
10 nickel-cadmium, sealed types for power backup);
- 11 (2) automobiles, buses, and trucks or any motor vehicle;
- 12 (3) tires (passenger/commercial);
- 13 (4) enameled white goods;
- 14 (5) home appliances (other small appliances that are not considered
15 enameled white goods);
- 16 (6) glass and plastic bottles;
- 17 (7) foam padding;
- 18 (8) lead;
- 19 (9) metals (ferrous/non-ferrous);
- 20 (10) organic material (i.e., tree trimmings, palm fronds, grass, food
21 waste, soiled cardboard);
- 22 (11) paper products;
- 23 (12) wood pallets and scrap wood;
- 24 (13) construction and demolition debris ('C&D');
- 25 (14) x-ray film;

- 1 (15) automobile oil and fluids;
2 (16) freon and other refrigerant gases;
3 (17) electronic waste (i.e., computers, circuit boards, televisions,
4 and portable phones);
5 (18) heavy equipment; and
6 (19) other recyclable materials deemed recyclable by GEPA pursuant
7 to its rules and regulations.

8 (l) **'Recycle or Recycling'** means a method by which recovered resources
9 are converted for use as raw materials or feedstock to make new products, as
10 defined in §51102 (35) of Chapter 51 of Title 10 GCA.

11 (m) **'Recycling Company'** shall mean any business licensed by the
12 Department of Revenue and Taxation, and permitted, as required in §51104 of
13 Chapter 51 of Title 10 GCA, by the Guam Environmental Protection Agency
14 to conduct business on Guam.

15 (n) **'Recycling Facility'** shall mean all contiguous land, structures, and other
16 appurtenances, and improvements on land used for the collection, separation,
17 recovery, and sale or reuse of recovered resources that would otherwise be
18 disposed of as municipal solid waste, and is an integral part of a
19 manufacturing process aimed at producing a marketable product made of post
20 consumer material.

21 (o) **'Recycling fee'** shall mean an annual fee levied upon the registered
22 owner of a motor vehicle to assist in the recycling and disposal of motor
23 vehicles and other recyclable materials in accordance with this Article.

24 **§51502. Recycling Revolving Fund.** There is hereby created the Recycling
25 Revolving Fund ("Fund"), which shall be maintained separate and apart from any

1 other funds, including the General Fund of the government of Guam, and independent
2 records and accounts shall be maintained thereof. All revenue generated from
3 recycling fees collected pursuant to this Article, including interest earned, shall be
4 deposited into the "Recycling Revolving Fund", hereinafter in this Article referred to
5 as the "Fund".

6 **§51503. Continuing Appropriation**

7 All revenues from the Recycling Revolving Fund are hereby appropriated to
8 the Department of Public Works to fund costs associated with the administration and
9 implementation of this Article.

10 **§51504. Administration of the Recycling Revolving Fund.**

11 The Director of Public Works shall administer the Fund and shall encumber all
12 amounts available in the Fund as expeditiously as possible for the purposes of
13 assisting and encouraging recycling of recyclable materials. The Director shall
14 administer the Fund in accordance with this Article to cause the following
15 material/waste to be recycled or otherwise disposed according to the following
16 priority:

- 17 (a) First Priority - junk vehicles, tires, batteries, waste oil, white
18 goods/appliances,
- 19 (b) Second Priority - paper, cardboard, plastic, and glass,
- 20 (c) Third Priority - other recyclable materials as determined by the Director.
- 21 (d) *Not more than* one (1) FTE employee at Guam Environmental Protection
22 Agency to administer this Article.

23 The Director of Public Works, *no later than* ten (10) days after the end of each
24 fiscal year, shall transfer from the Recycling Revolving Fund three percent (3%) of
25 the total amount collected during that fiscal year to fund one (1) FTE employee at the

1 Guam Environmental Protection Agency. The Fund shall be subject to audits by the
2 Public Auditor.

3 **§51505. Levy and Collection of Recycling Fees.** The Director of Revenue and
4 Taxation is hereby authorized to levy a Recycling Fee on individuals who are
5 renewing their annual motor vehicle registration with the Department of Revenue and
6 Taxation Division of Motor Vehicles, through the vehicle registration system. The
7 Director of Revenue and Taxation shall collect the Recycling Fees mandated by this
8 Article and transmit the fees to the Director of DPW for deposit in the Recycling
9 Revolving Fund.

10 **§51506. Recycling Fees.** The Recycling Fees authorized in §51505 are
11 hereby imposed as follows:

- 12 (a) *Twenty Five Dollars (\$25.00)* annually for each automobile, bus and
13 truck registered by the Department of Revenue and Taxation through the
14 annual vehicle registration system.
- 15 (b) *Three Dollars (\$3.00)* for each motorcycle and trailer registered by the
16 Department of Revenue and Taxation through the annual vehicle
17 registration system.
- 18 (c) *Thirty Dollars (\$30.00)* for each piece of heavy equipment registered by
19 the Department of Revenue and Taxation through the annual vehicle
20 registration system.

21 **§51507. Authorization for DPW to Contract with Recycling Companies.**

- 22 (a) DPW is authorized, in accordance with the applicable procurement laws, to
23 enter into contracts with recycling companies for the collection, recycling, disposal,
24 and processing, or any combination thereof, of automobiles, buses, heavy equipment,
25 trucks, batteries, tires, white goods, and other recyclable materials, and as required

1 by, or in accordance with, Articles 3 and 4 of Title 10 GCA, Chapter 51. The Director
2 of DPW shall submit any proposed Requests for Proposals to *I Liheslaturan Guåhan*
3 within three (3) months of the enactment hereof.

4 (b) At a minimum, the Director of Department of Public Works shall require
5 that all offerors include, as part of their written offers, proof of current approved
6 permits, certification of compliance with Title 10 GCA Chapter 51 from GEPA and a
7 plan to remove collected recyclable materials, including abandoned vehicles, from
8 Guam's waste stream. Contractors employed under this Section shall perform all
9 work under this Article in compliance with all applicable laws, including those of this
10 Chapter, and the applicable Rules and Regulations of GEPA and DPW.

11 (c) DPW shall promulgate the necessary rules and regulations, in accordance
12 with the Administrative Adjudication Law, to properly implement this Article.

13 **§51508. Adjustment of Recycling Fees.**

14 The Director shall review the fee authorized by §51506, supra, every twenty-
15 four (24) months and is authorized to adjust the fee by *not more than* twenty-five
16 percent (25%) in accordance with the Administrative Adjudication Law.”