

*I Mina Trentai Kadatro Na I.Iheslaturan*  
BILL STATUS

NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	DATE REFERRED	DATE COMMITTEE RECONSIDERED	FISCAL NOTES	NOTES
273-34 (CON)	Telena C. Nelson	AN ACT TO REPEAL AND REENACT CHAPTER 2 OF TITLE 29, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE GUAM SOLID WASTE AUTHORITY'S RULES AND REGULATIONS FOR SOLID WASTE MANAGEMENT AND OPERATIONS.	4/20/18 1:35 p.m.  AS CORRECTED 4/30/18 10:46 a.m.	4/30/18	Committee on Housing, Utilities, Public Safety, and Homeland Security	6/13/18 10:54 a.m.	Fiscal Note Request 5/1/18  Fiscal Note Wavier 6/13/18	
	SESSION DATE 7/2/18	TITLE AN ACT TO REPEAL AND REENACT CHAPTER 2 OF TITLE 29, GUAM ADMINISTRATIVE RULES AND REGULATIONS, UNDER A NEW CHAPTER 5 OF TITLE 28, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE GUAM SOLID WASTE AUTHORITY'S RULES AND REGULATIONS FOR SOLID WASTE MANAGEMENT AND OPERATIONS.	DATE PASSED 7/6/18	TRANSMITTED 7/6/2018 1:48 p.m.	DUE DATE 7/18/18	DATE SIGNED 7/13/18		Received: 7/13/18 Mess and Comm. Doc. No. 34GL-18-2018.



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor Of Guam.*

JUL 13 2018

Honorable Benjamin J.F. Cruz  
Speaker  
*I Mina'trentai Kuáttro Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

CL # 34-18-2078  
Speaker Benjamin J.F. Cruz

JUL 13 2018

Time 2:02 [ ] AM [ ] PM File No. \_\_\_\_\_  
Received By: [Signature]

2018 JUL 13 PM 2:11 C.F.

Dear Mr. Speaker:

Transmitted herewith is Bill No. 273-34 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 2 OF TITLE 29, GUAM ADMINISTRATIVE RULES AND REGULATIONS, UNDER A NEW CHAPTER 5 OF TITLE 28, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE GUAM SOLID WASTE AUTHORITY'S RULES AND REGULATIONS FOR SOLID WASTE MANAGEMENT AND OPERATIONS," which was signed on July 13, 2018, as Public Law 34-111.

*Senseramente,*

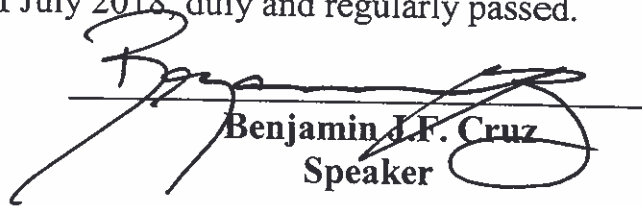
EDDIE BAZA CALVO



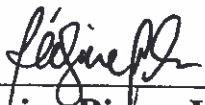
*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
2018 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN*

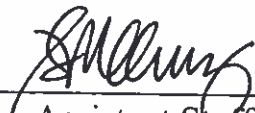
This is to certify that Bill No. 273-34 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 2 OF TITLE 29, GUAM ADMINISTRATIVE RULES AND REGULATIONS, UNDER A NEW CHAPTER 5 OF TITLE 28, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE GUAM SOLID WASTE AUTHORITY'S RULES AND REGULATIONS FOR SOLID WASTE MANAGEMENT AND OPERATIONS," was on the 6<sup>th</sup> day of July 2018, duly and regularly passed.

  
Benjamin J.F. Cruz  
Speaker

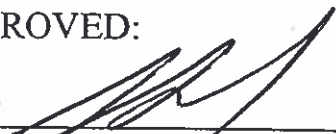
Attested:

  
Régine Biscoe Lee  
Legislative Secretary

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This Act was received by *I Maga'láhen Guáhan* this 6 day of JULY 2018,  
at 1:48 o'clock P.M.

  
Assistant Staff Officer  
*Maga'láhi's* Office

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'láhen Guáhan*

Date: JUL 13 2018

Public Law No. 34-111

***I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN***  
**2018 (SECOND) Regular Session**

**Bill No. 273-34 (COR)**

As corrected by the Prime Sponsor.

Introduced by:

Telena Cruz Nelson  
Thomas C. Ada  
FRANK B. AGUON, JR.  
William M. Castro  
B. J.F. Cruz  
James V. Espaldon  
Fernando Barcinas Esteves  
Régine Biscoe Lee  
Tommy Morrison  
Louise B. Muña  
Dennis G. Rodriguez, Jr.  
Joe S. San Agustin  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO REPEAL AND REENACT CHAPTER 2 OF TITLE 29, GUAM ADMINISTRATIVE RULES AND REGULATIONS, UNDER A NEW CHAPTER 5 OF TITLE 28, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE GUAM SOLID WASTE AUTHORITY'S RULES AND REGULATIONS FOR SOLID WASTE MANAGEMENT AND OPERATIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds  
3 that the Guam Solid Waste Authority (GSWA) was created under Chapter 51A of  
4 Title 10, Guam Code Annotated, in 2011. The GSWA has statutory authority to  
5 adopt rules and regulations necessary to its operations.

1            *I Liheslatura* finds that prior to the creation of the GSWA, its predecessor, the  
2 Division of Solid Waste, Department of Public Works (DPW) was placed under  
3 federal receivership pursuant to a Court Order of the U.S. District Court of Guam  
4 dated March 17, 2008. Pursuant to the District Court March 17, 2008 Order, the  
5 Court appointed “a receiver to manage, supervise and oversee the Solid Waste  
6 Management Division (SWM) of DPW.”

7            *I Liheslatura* finds that in an order dated September 2, 2011, the Court gave  
8 the receiver full control over GSWA to the same extent as it had over the original  
9 DPW Solid Waste Division.

10           *I Liheslatura* finds that during the nine (9) years the receiver operated the  
11 GSWA it implemented operational rules. In an Order dated December 1, 2017, the  
12 Court ordered “the Board, its legal counsel and the new general manager to begin  
13 drafting and updating the operational rules and regulations.”

14           *I Liheslatura* finds that at the GSWA Board of Directors Meeting on  
15 November 29, 2017, the Board adopted all policies, rules, and regulations put in  
16 place by the receiver since the receivership commenced regarding commercial  
17 haulers, residential customers, banned materials, the collection of bulky items and  
18 metallic goods, and penalties imposed for late payments. The Board instructed  
19 GSWA’s General Manager to work with staff and the Board’s legal counsel to put  
20 these policies, rules, and regulations in a format acceptable to the Legislative  
21 Secretary of *I Liheslaturan Guåhan* pursuant to 5 GCA § 9305.

22           *I Liheslatura* finds that the adoption of the rules and regulations contained in  
23 this Act and the repeal of Chapter 2, Title 29, Guam Administrative Rules and  
24 Regulations, is necessary to comply with the U.S. District Court of Guam’s Order  
25 dated December 1, 2017, and that “the Board, its legal counsel and the new general  
26 manager begin drafting and updating the operational rules and regulations.”

1 *I Liheslatura* finds that at a duly noticed Board meeting held on February 7,  
2 2018 at the GSWA Conference Room in Upper *Tumon*, Guam, the Board discussed  
3 and approved the adoption of the proposed rules.

4 *I Liheslatura* finds that at a duly noticed public hearing held on April 18, 2018  
5 at *I Liheslaturan Guåhan*, the “Guam Solid Waste Authority Board of Directors  
6 Proposed New Rules Regarding the Agency’s Solid Waste Management and  
7 Operations” (*Doc. No. 34GL-18-1694*) was publically heard before the Legislative  
8 Committee on Housing, Utilities, Public Safety, and Homeland Security.

9 *I Liheslatura* finds that the implementation of the rules and regulations herein  
10 is necessary to ensure the operations of the GSWA remains status quo. Status quo in  
11 the operations of the GSWA is necessary to the successful and seamless transition  
12 out of receivership, and the proposed rules and regulations are necessary to said  
13 success.

14 **Section 2.** Chapter 2 of Title 29, Guam Administrative Rules and  
15 Regulations, is hereby *repealed* and *reenacted* under a new Chapter 5 of Title 28,  
16 Guam Administrative Rules and Regulations, as follows:

17 **“TITLE 28**  
18 **PUBLIC UTILITIES**  
19 **CHAPTER 5**  
20 **SOLID WASTE MANAGEMENT**  
21 **GUAM SOLID WASTE AUTHORITY**  
22 **ARTICLE 1**  
23 **Preliminary Statements**

24 **§ 5101. Authority.**

25 10 GCA § 51A104 (c) authorizes the Guam Solid Waste Authority to establish  
26 and adopt rules for the administration of its operations.

1           **§ 5102.       Repeal of Chapter 2 of Title 29, Guam Administrative Rules**  
2 **and Regulations.**

3           The rules promulgated under Chapter 2 of Title 29, Guam Administrative  
4 Rules and Regulations, are hereby repealed.

5           **§ 5103.       Purpose.**

6           The purpose of these rules and regulations are:

7           (a)   to protect public health, safety, and welfare by reducing or  
8 eliminating health hazards, fire hazards, offensive odors and unsightly litter  
9 attributable to accumulations of solid wastes;

10          (b)   to ensure proper, cost effective, and environmentally sound  
11 disposal of solid waste; and

12          (c)   to lessen the demand for landfill sites and conserve land  
13 resources by providing maximum recovery of useable materials of solid waste  
14 within limits of economic feasibility.

15          **§ 5104.       Responsibility.**

16          All municipal solid waste shall be finally disposed of at the Layon Landfill  
17 which is a Sub-Title D Landfill, with its operations and management outsourced to  
18 a private operator. The private operator shall be responsible for obtaining all permits  
19 and monitoring of the Landfill site. The Layon Landfill shall not be open to the  
20 general public. Only waste deemed acceptable waste under the Layon Landfill's  
21 operating permit shall be disposed of at the Landfill.

22          **§ 5105.       Schedule of Rates and Charges.**

23          All rates and charges are available free of charge at the Guam Solid Waste  
24 Authority ("GSWA") on a "Schedule of Rates and Charges" form. A Schedule of  
25 Rates and Charges shall be publicized on the GSWA website.

26          **§ 5106.       Collection of Solid Wastes.**

1 (a) GSWA provides for the collection of solid waste from single or multi-  
2 family residences with four (4) or less units.

3 (b) Collection and Transport Assignments. GSWA services all nineteen  
4 (19) villages on Guam. Service includes trash and recyclables collection as well as  
5 bulky waste collection for residential contracted customers. GSWA does not collect  
6 from commercial or industrial businesses.

7 (c) Right to Transport Own Residential Waste. Any person may transport  
8 residential solid waste acceptable for disposal to any of GSWA's residential trash  
9 transfer stations.

10 (d) Collection Intervals. All single and multi-family residential solid  
11 wastes, other than bulky rubbish and recyclables, shall be collected at least once  
12 weekly.

13 (e) Point of Collection - Single/Multi-Family. GSWA designates the point  
14 of collection at the time the customer signs up for service.

15 (f) Cart Placement on Curb. Carts should be placed at point of collection  
16 the night before their service day.

17 (g) Grading, Demolition and Construction Wastes. GSWA will not accept  
18 such waste at the Layon Landfill. Generators of such waste will be referred to  
19 properly permitted private commercial haulers.

20 **§ 5107. Definitions.**

21 (a) *Bulky waste* means appliances, mattresses, hot water heaters, and other  
22 bulky and metallic waste furniture and appliances.

23 (b) *Cart* means a container provided by GSWA designed for storage of  
24 waste and/or recyclable material.

25 (c) *Collection service* means the removal of solid waste from residential  
26 facilities with four (4) or less units.



1 (d) *Dwelling* means a building or portion thereof designed exclusively for  
2 residential occupancy.

3 (e) *Government* means the government of Guam, all of its agencies,  
4 whether line or autonomous, and all public corporations.

5 (f) *Grading, demolition and construction waste* means waste materials  
6 generated from the grading of land or the construction, remodeling, or destruction  
7 of structures.

8 (g) *Green waste* means grass clippings, leaves, weeds, and pruned  
9 branches.

10 (h) *GSWA* means the Guam Solid Waste Authority.

11 (i) *Hauler-only transfer stations* means the facility where permitted  
12 commercial haulers and government agencies are allowed to bring their waste after  
13 they have established an account with GSWA.

14 (j) *Household hazardous waste* means products used in the home, garden,  
15 garage, and hobby shops with hazardous characteristics such as poisonous,  
16 combustible, flammable, or corrosive.

17 (k) *Manager* means the General Manager of Guam Solid Waste Authority  
18 or his/her designated representative.

19 (l) *Multi-family dwelling* means a building, or portion thereof, used and/or  
20 designed as a residence for no more than four (4) independent dwelling units.

21 (m) *Occupant* means any person whom, alone or jointly or severally with  
22 others, shall be in actual possession of any dwelling unit, or of any other improved  
23 real property, either as owner or as a tenant.

24 (n) *Residential transfer station* means the facilities where only residents  
25 can bring their waste.

26 (o) *Single family residence* means a detached building designed for and/or  
27 occupied exclusively by one (1) family.

1 (p) *Solid waste* means garbage, unwanted or discarded waste materials in a  
2 solid or semi-solid state.

3 (q) *Solid waste management* means the purposeful, systematic control of  
4 the generation, storage, collection, transportation, separation, processing, and  
5 disposal of solid waste.

6 (r) *Special solid waste or special collection* means solid waste, including  
7 but not limited to tires, grading, demolition and construction waste, batteries, air  
8 conditioners, cars, treated infectious waste, dead animals and offal, sewage sludge,  
9 asbestos waste and medical waste that requires special handling and separate fees as  
10 designated by the GSWA Manager and in compliance with all local permit  
11 requirements, state, and Federal laws and regulations.

## 12 **ARTICLE 2**

### 13 **Residential Trash Collection and Recycling**

#### 14 **§ 5201. Registration and Carts.**

15 (a) **Registration.** Residents residing in single family residences or multi-  
16 family dwellings as defined herein may register for collection service with GSWA  
17 by submitting a completed GSWA registration form, paying in full any balance from  
18 a previous account and providing proof of residency (rental lease, title or deed,  
19 power/water bills) and a valid identification (driver's license, passport, or  
20 government of Guam issued identification card). Customers are required to draw as  
21 detailed a map as possible to the location of their residence. Each new or returning  
22 customer will be provided written information as to how to properly participate in  
23 GSWA's collection service. Customers will also be provided a large colored paper  
24 with a number on it to guide the collection crew to the location at which the carts  
25 will be delivered. Upon delivering the carts, the location will be recorded using the  
26 Global Position Satellite (GPS) coordinates. Customers may obtain a second cart for  
27 an additional cost.

1 (b) Carts. GSWA shall provide carts to customers occupying single-family  
2 residences and multi-family dwellings, as defined herein, upon setting up an account  
3 with GSWA. GSWA will only collect solid waste placed in the carts provided by  
4 GSWA. Green waste will not be collected, it must be taken to a properly permitted  
5 facility. Customers must place carts at the designated collection location twelve (12)  
6 hours before the day of collection. Customers are responsible for cleaning carts.

7 (c) Waste in Excess of Cart Capacity. If customers have trash exceeding  
8 cart capacity, it must be placed in trash bags and tagged with a GSWA excess trash  
9 tag. Upon registering for service with GSWA, customers will receive four (4) excess  
10 trash tags. Additional tags may be purchased from GSWA. Bagged trash without a  
11 tag will not be collected.

12 (d) Bulky Waste. Residential customers with accounts in good standing  
13 may receive up to two (2) free bulky waste collections each calendar year. Bulky  
14 waste collection shall be made by appointment only by calling the GSWA Customer  
15 Call Center. Bulky waste scheduled for collection shall be placed at the curb in the  
16 same general vicinity where they put their carts out for collection. Customers are  
17 allowed to place up to five (5) bulky items at the curb for each scheduled collection.  
18 Any additional collections in excess of the two (2) allowed herein shall be made for  
19 an additional cost as assessed by GSWA. Non-GSWA customers may also make an  
20 appointment for bulky waste collection as long as they are located in a residential  
21 unit and pay the assessed collection fee.

22 (e) Grading, Demolition and Construction Waste. Construction and  
23 demolition waste are not permitted at the Layon Landfill. GSWA will refer  
24 generators of this type of waste to permitted facilities.

25 (f) Recyclables. If requested a separate recycling cart will be delivered at  
26 no additional cost which will be collected twice per month and transported to a

1 permitted recycling processor. These carts will be collected on the same day as the  
2 customers' trash carts are collected.

3 (g) Responsibilities at Point of Collection. Collection crew shall be  
4 responsible for the collection of solid waste from the point of collection to the  
5 transportation vehicle; provided, the solid waste was stored in compliance with these  
6 rules and regulations. Any spillage or displaced solid waste occurring prior to the  
7 arrival of the solid waste collectors at the point of collection shall be the  
8 responsibility of the customer. Any spillage or displaced litter caused as a result of  
9 the duties of the solid waste collectors shall be collected and placed in the  
10 transportation vehicle by the solid waste collectors. Any solid waste collected shall,  
11 upon being loaded into transportation equipment, become the property of the  
12 collector. Solid waste collectors shall not be required to reach into solid waste  
13 containers to remove contents. Authorized containers emptied by solid waste  
14 collectors shall be returned to the point of collection.

15 **§ 5202. Household Hazardous Waste Program.**

16 (a) Disposal of household hazardous waste as defined herein require  
17 special handling by properly trained and permitted personnel.

18 (b) Residential customers may use this program at no charge but are limited  
19 to fifteen (15) gallons or one hundred (100) pounds of household hazardous waste  
20 items per day.

21 (c) Only residential customers may utilize this program. Commercial or  
22 other entities wishing to dispose of such products will be referred to properly  
23 permitted private facilities which provide such services.

24 (d) Acceptable household hazardous waste can be found on the GSWA  
25 website.

26 **§ 5203. Residential Tipping Fees and Delinquent Accounts.**

1 (a) Tipping fees shall be set pursuant to 10 GCA §§ 51A104(d) and  
2 51A301.

3 (b) During the first week of each month, GSWA bills for the most recent  
4 previous month of service.

5 (c) All bills are due and payable upon presentation. Payment should be  
6 made at financial institutions designated by the GSWA, to authorized representatives  
7 or agents.

8 (d) After thirty (30) days from the billing date, any unpaid balance shall be  
9 considered late and shall result in a reminder call to the customer.

10 (e) Accounts with any unpaid balance after sixty (60) days from the billing  
11 date shall be provided written notice notifying customers that service shall be  
12 discontinued unless the accounts are brought current within thirty (30) days of the  
13 date of said written notice. If accounts are not brought current within the thirty days'  
14 written notice, the carts shall be removed from the customer's location.

15 (f) Restoration of service following collection of the account. Whenever  
16 any delinquent customer, whose service has been discontinued pays the sum due  
17 plus pre-payment of an additional month of service and a reinstatement fee, service  
18 shall be restored and collection will occur at the next regularly scheduled pick up  
19 date. Delinquent customers shall be responsible for any reasonable collection costs  
20 incurred by GSWA.

21 (g) Restoration of service following collection of the account by a  
22 collection agency. In the event GSWA refers a delinquent account to a collection  
23 agency, service shall be restored upon payment of the total sum due, one month's  
24 tipping fee and a reinstatement fee.

25 (h) Unrecovered or unrepairable carts. Customers shall be responsible for  
26 the cost of a new cart to replace any unrecovered or unrepairable carts issued to them  
27 before service may be restored.

1 (i) Under certain circumstances customers may seek a reduction in the  
2 amount of tipping fees owed. Customers who can show that they have had their  
3 service missed substantially during any given month, may request a meeting with  
4 the GSWA Manager or designated representative to seek a reduction in charges.

5 (j) Nonprofit 501(c) organizations, as defined by the U.S. Internal  
6 Revenue Code, seeking to perform community-wide cleanups on public property on  
7 a non-regular basis may seek from the GSWA Manager or designated representative,  
8 a reduction or elimination of the tipping fees for specified containers or hauling  
9 vehicles.

10 (k) Insufficient funds (NSF) checks. GSWA shall be allowed to recover a  
11 fee as set forth in the Schedule of Rates and Charges for each instance where a  
12 customer tenders payment for GSWA service with an insufficient funds check.

13 (1) When the GSWA is notified by the customer's bank that there  
14 are insufficient funds to cover the check tendered for GSWA service, GSWA  
15 shall make a diligent effort to contact the customer, either in person or by  
16 telephone, to inform the customer of the inadequate payment. GSWA may, at  
17 its discretion, require the customer to make payment in cash, money order,  
18 certified check, or other means which guarantees the customer's payment to  
19 GSWA.

20 (2) A customer who tenders an insufficient check shall in no way be  
21 relieved of the obligation to render payment to GSWA under the original  
22 terms of the bill nor defer GSWA's provision for termination of service for  
23 nonpayment of bills.

24 (3) When a customer tenders an insufficient check and does not clear  
25 the check after being notified by GSWA, GSWA shall debit the account for  
26 the written amount plus a service charge as set forth in the Schedule of Rates  
27 and Charges.

1 (l) Residential customers may pay their bills with credit cards but may be  
2 assessed the fee charged by credit card companies.

3 (m) Non-permissible reason to deny or terminate service. GSWA may not  
4 deny or terminate service for delinquency in payment for services rendered to a prior  
5 customer at the premises where service is being provided, except if it can be  
6 determined that there is intent between the parties to circumvent the provisions of  
7 these rules and regulations, and where the prior customer continues to reside on the  
8 premises. The account holder shall be held responsible for all fees associated with  
9 the service.

10 (n) The customer shall be responsible to keep GSWA informed of the  
11 customer's most recent billing address. Any bill which is not paid on or before the  
12 specified due date after presentation or deposit in the United States Mail shall be  
13 deemed delinquent and collection service shall be subject to the provisions of  
14 GSWA's discontinuation of service as set forth herein. Failure to receive bills or  
15 notices which have been properly placed in the United States Mail shall not prevent  
16 such bills from becoming delinquent nor relieve the customer of his obligations  
17 therein. Charges for service commence when the customer signs up for collection  
18 service, whether used or not.

19 **ARTICLE 3**

20 **Commercial Accounts**

21 **§ 5301. Registration and Collection.**

22 (a) All commercial trash collection and recycling for commercial entities,  
23 including all Government Agencies, will be handled by properly permitted private  
24 commercial haulers.

25 (b) Private commercial or other non-governmental entities. An individual  
26 commercial entity may open an account for its own waste but must be properly  
27 permitted by the Guam Environmental Protection Agency (GEPA). GSWA does not

1 provide any curbside solid waste collection or recycling services for commercial  
2 entities. Commercial entities must arrange for waste collection services with a  
3 private commercial hauler.

4 (c) Government Agencies. Government agencies are prohibited from  
5 disposing of waste at the Residential Transfer Stations or from utilizing the  
6 Household Hazardous Waste Program. Wastes from said agencies shall only be  
7 accepted at the Hauler-Only Transfer Station or with prior approval from GSWA, be  
8 delivered directly to the Layon Landfill. Government of Guam customers will be  
9 issued invoices. In accordance with 5 GCA § 40113(d), mayors shall be allowed to  
10 dispose of village waste at GSWA facilities. Additional loads are charged in  
11 accordance with this Chapter.

12 (d) Registration. Commercial entities may register for collection service  
13 with GSWA by submitting a completed GSWA registration form. Commercial  
14 accounts must be approved by the GSWA Manager.

15 (e) Commercial entities are prohibited from disposing solid waste at the  
16 Residential Transfer Stations or hazardous material at the Household Waste Facility.

17 (f) Unless approved by GSWA management to deliver waste to the Layon  
18 Landfill, commercial entities are required to use GSWA's Hauler-Only Transfer  
19 Station.

20 (g) Direct deliveries to Layon Landfill by commercial entities are by  
21 appointment only approved by GSWA management. If the commercial entity goes  
22 directly to the Layon Landfill without a pre-approved appointment, it will be  
23 directed to the Hauler-Only Transfer Station and will not be allowed to deposit its  
24 material at the Layon Landfill.

25 (h) Waste generated by the United States military installations located in  
26 Guam will be disposed of and assessed fees under this Chapter as said waste is



1 delivered to the Layon Landfill or transfer stations via a private commercial hauler.  
2 The cost of service will be billed to Guam Naval Facilities (NavFac).

3 **§ 5302. Commercial Tipping Fees and Delinquent Accounts.**

4 (a) Tipping fees shall be set pursuant to 10 GCA §§ 51A104(d) and  
5 51A301.

6 (b) During the first week of each month, GSWA bills for the most recent  
7 previous month of service.

8 (c) All bills are due and payable upon presentation. Payment should be  
9 made at financial institutions designated by the GSWA, to an authorized  
10 representative or agent. Designated financial institutions and authorized  
11 representatives or agents shall be listed on customer billings and the GSWA website.

12 (d) After thirty (30) days from the billing date, any unpaid balance shall be  
13 considered late and shall result in a reminder call to the customer.

14 (e) Accounts with any unpaid balance after sixty (60) days from the billing  
15 date shall be provided written notice notifying customers that service shall be  
16 discontinued unless the accounts are brought current within thirty (30) days of the  
17 date of said written notice. If accounts are not brought current within the thirty days'  
18 written notice, the account will enter a thirty (30) day termination period. At the  
19 beginning of the thirty (30) day period, a public announcement will be made of the  
20 pending termination to allow the customers of the pending termination of their  
21 contracted haulers to make other arrangements for the proper disposal of their trash.  
22 Termination shall be accomplished by barring the delinquent commercial hauler  
23 from using the disposal facilities.

24 (f) Restoration of service following collection of delinquent accounts.  
25 Upon payment of all outstanding account balances, along with a bond (or security  
26 deposit) equivalent to the twelve (12) months' tipping fees incurred by the  
27 delinquent commercial customer and a reinstatement fee, service shall be restored.

1 (g) Liability of commercial haulers for payment of unpaid bills remains the  
2 responsibility of the haulers even if services are not restored. Delinquent commercial  
3 haulers shall also be responsible for any reasonable collection costs incurred.

#### 4 ARTICLE 4

#### 5 Hauler-Only Transfer Station

6 § 5401. Commercial haulers and large generators who self-haul must  
7 contact GSWA to register for commercial accounts prior to entering the Hauler-Only  
8 Transfer Station.

9 § 5402. Customers who visit the Hauler-Only Transfer Station, will drive  
10 onto the scales, a GSWA employee will retrieve the customer's account, weigh the  
11 vehicle, and provide the customer with a dump ticket.

12 § 5403. An initial tare weight shall be obtained on each vehicle disposing  
13 of acceptable waste at the Hauler-Only Transfer Station for the first time.

14 § 5404. Tare weight of hauler vehicle.

15 Tare weights will be specific to each vehicle used to deposit trash at the  
16 Hauler-Only Transfer Station and will be provided to the customers. These tare  
17 weights will be used to determine the weight of each load. The GSWA retains the  
18 right to determine a new tare weight for each vehicle at the GSWA's discretion.

19 § 5405. Scales.

20 In the event scales are inoperable, haulers shall accept reasonable estimated  
21 weight based on historical data.

22 § 5406. After obtaining a dump ticket, the hauler vehicle shall be moved  
23 to the transfer station where the hauler shall present the dump ticket to the Station  
24 operator then proceed to a designated unloading bay and unload the waste onto the  
25 tip floor. The Station operator shall sift through the waste for unauthorized material.  
26 If any unauthorized material is found in the waste, said material will be returned to  
27 the hauler's vehicle. After dumping the waste onto the tip floor, the hauler shall



1 (b) leave the facilities and have matter handled separately by  
2 properly trained and permitted personnel selected by the hauler owning the  
3 vehicle in which the radioactive material is detected.”

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

9 **Section 4. Effective Date.** This Act *shall* become effective upon enactment.