



GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lt. Governor of Guam

IRVIN L. SLIKE
General Manager



GSWA Board Resolution 2022-009

**GSWA Board Resolution No. 2022-009
RELATIVE TO THE GSWA BOARD OF DIRECTORS PROVIDING GSWA
MANAGEMENT THE AUTHORITY TO SUBMIT ALL APPROPRIATE RECYCLING
AND METALLIC WASTE COSTS TO GUAM ENVIRONMENTAL PROTECTION
AGENCY**

WHEREAS, the Guam Solid Waste Authority is an autonomous, public corporation of the Government of Guam; and

WHEREAS, Section 51A104 of Chapter 51A of Title 10 of the Guam Code Annotated authorizes GSWA to enter into public-private partnerships for solid waste management facilities and operations, source reduction, recycling, composting, resource recovery, waste reduction and transfer stations which shall also address metallic debris, white goods, and hazardous waste contract; and

WHEREAS, the Guam Solid Waste Authority provides municipal solid waste services which include recycling collection, bulky waste collection, and household hazardous waste disposal that are provided at no additional cost to customers, with hopes to deter residents from illegal dumping and reduce the waste entering the Layon Landfill; and

WHEREAS, the Guam Solid Waste Authority has fully funded its various recycling programs through revenue generated from tipping fees from residential customers and commercial haulers, expending an average of approximately \$1.6M annually; and

WHEREAS, the material waste being collected by GSWA for recycling is in accordance with the priority list established in the Guam Recycling Revolving Fund; and

WHEREAS, Guam Solid Waste Authority Management has shared the Authority's financial challenges that it continues to face with fully funding these various programs with the Guam Environmental Protection Agency and the Office of Senator Sabina Perez in hopes of establishing a true partnership in the Government of Guam's effort to continue and increase recycling, and

WHEREAS, Senator Sabina Perez has introduced Bill 284-36, known as "The Guam Zero Waste Act", which aims to modernize local statutes to catalyze the island-wide implementation of recycling and zero waste programs and the Recycling Revolving Fund which will allow for a partnership for qualifying recycling and metallic waste programs; and,

WHEREAS, the Guam Solid Waste Authority's management team is requesting the Guam Solid Waste Authority's Board of Directors' approval and full authorization to proceed with submitting appropriate costs and pertinent information with the Guam Environmental Protection Agency in accordance with pending Bill 284-36 to establish a partnership and possible revenue stream to continue the various programs and avoid potential residential rate increases; and

THEREFORE, BE IT HEREBY RESOLVED that the Board of Directors of the Guam Solid Waste Authority does hereby authorize the GSWA management team to take the appropriate actions necessary



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to establish a partnership and possible reimbursement for the Authority's programs relative to the pending Bill 284-36.

Ayes: 5

Nays: 0

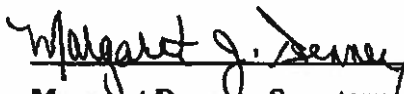
Absent: 0

Abstain: 0

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Guam Solid Waste Authority, Guam, on the 22th day of April 2022.

**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**


Andrew Gayle, Chairman


Margaret Denney, Secretary

**ATTEST:
ALICIA FEJERAN, CLERK**

BY: 





I Mina'trentai Sais Na Liheslaturan Guahan
BILL STATUS

TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
E 3 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, AND ARTICLE 24, DIVISION 4, TITLE 22, GUAM RULES AND REGULATIONS, RECYCLING AND ZERO WASTE INITIATIVES.	4/4/22 5:38 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 284-36 (LS)

Introduced by:

Sabina Flores Perez 
Telo T. Taitague 
Jose "Pedo" Terlaje 
Tina Rose Muña Barnes 

**AN ACT TO *AMEND* ARTICLE 3 OF CHAPTER 51,
TITLE 10, GUAM CODE ANNOTATED, AND *AMEND*
ARTICLE 3 OF CHAPTER 24, DIVISION 4, TITLE 22,
GUAM RULES AND REGULATIONS, RELATIVE TO
PROMOTING RECYCLING AND ZERO WASTE
INITIATIVES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the global recycling industry has changed significantly in the 16 years since the
4 Recycling Revolving Fund (RRF) was established. While traditional recycling
5 models are no longer financially sustainable, newer “zero waste” initiatives are
6 proving successful. “Zero waste” expands upon principles of recycling by focusing
7 on overall waste reduction, and the approach is a cost-effective means of preserving
8 resources and building resiliency against the negative impacts of climate change.

9 With the drastic economic impacts of the global pandemic, measures must be
10 taken now to improve the management of waste streams and reduce their financial
11 impact on our community. The Guam Zero Waste Act modernizes local statutes to
12 catalyze island-wide implementation of recycling and zero waste programs,
13 improves recycling and cleanup processes that are currently costly and inefficient,

1 and establishes the Zero Waste Grants Program within the Recycling Revolving
2 Fund to support innovative solutions that significantly divert materials from our
3 landfill and gainfully employ our people.

4 *I Liheslatura* further finds that it is necessary to increase Guam Environmental
5 Agency's capacity to promote and implement recycling and zero waste within
6 government and community through a self-sustaining and long-term approach that
7 combines research, planning, implementation, and evaluation. To this end, it is
8 necessary to fund studies to determine the effectiveness of existing recycling and
9 zero waste initiatives and research best practices for reducing and diverting different
10 waste streams to reach 50% and 75% waste reduction by 2030 and 2040,
11 respectively. Additionally, it is essential to provide funding to support innovative
12 solutions to significantly reduce our waste stream by repurposing materials and
13 rethinking production in order to reduce the environmental and social impacts from
14 the extraction, distribution, and use of raw materials.

15 *I Liheslatura* further finds that plastic has become the priority along with
16 abandoned vehicles and white goods due to the uncertainty of global recyclers
17 accepting plastics. Additionally, the increasing volume of non-biodegradable,
18 single-use plastics imported into Guam poses cumulative environmental impacts,
19 which can be addressed with proactive, upstream and other zero waste measures.

20 *I Liheslatura* further finds that promoting and coordinating with Guam Solid
21 Waste Authority's (GSWA), a government-run utility, recycling and zero waste
22 initiatives is essential. The challenges of shipping plastics and other materials to off-
23 island recyclers have become financially challenging or unsustainable and may
24 significantly decrease the life of our landfill.

25 *I Liheslatura* further finds that it is important to ensure the fund's
26 sustainability by ensuring accountability, transparency, and ethical behavior in
27 carrying out recycling and zero waste projects.

1 § 513076. Authorization for Department of Public Works (“DPW”) and the
2 Mayors’ Council of Guam to Contract with Recycling Companies.

3 § 513087. Adjustment of Recycling Fees.

4 § 513098. Recycling Industry Economic Stimulus Program.

5 **§ 51301. Definitions.**

6 As used in this Article, and except as otherwise provided, the following words
7 and phrases shall mean:

8 (a) ‘Administrator’ shall mean the Administrator of the Guam
9 Environmental Protection Agency, or his designee.

10 (b) ‘Beneficial Use’ shall mean the substitution of materials, either
11 as generated or following additional processing, for some or all of the virgin
12 materials in a natural or commercial product in a way that: provides a
13 functional benefit; meets product specifications; and does not pose concerns
14 to human health or the environment.

15 (c) ‘Best Available Technology’ shall mean a recognized and
16 approved technology by the United States Environmental Protection Agency.

17 (d) ‘Board’ shall mean the Board of Directors of the Guam
18 Environmental Protection Agency.

19 (e) ‘Compost’ or ‘Composting’ shall mean a mixture, consisting
20 primarily of decayed organic matter and is used for fertilizing and
21 conditioning land or to converting a material, such as plant debris, to compost.

22 (bf) ‘DPW’ shall mean the Department of Public Works.

23 (eg) ‘Director’ shall mean the Director of the Department of Public
24 Works.

25 (h) ‘Disaster Debris’ shall mean any items and materials broken,
26 destroyed, or displaced by a natural or man-made federally or locally declared

1 disaster. Examples of disaster debris include, but are not limited to, trees,
2 construction and demolition material, and personal property.

3 (i) 'Disaster Debris Management' shall mean the removal and
4 disposal of debris that was generated by a disaster and which presents an
5 immediate threat to the public interest.

6 (j) 'Electronic Waste' or 'E-Waste' shall mean electrical and
7 electronic equipment, dependent on electric currents or electromagnetic fields
8 to function (including all components, subassemblies and consumables, which
9 are part of the original equipment at the time of discarding). E-waste may
10 include, but is not limited to, consumer electronics, entertainment devices,
11 televisions, DVD players and tuners, office devices, information and
12 communications technology, computers, circuit boards, telephones and
13 mobile phones.

14 (k) 'Enameled wWhite gGoods' shall mean appliances for home or
15 commercial use including, but not limited to, refrigerators, water heaters, air
16 conditioners, washers, dryers, and stoves.

17 (l) 'Extended user responsibility' shall mean policies or practices
18 that place a shared responsibility for end-of-life product management on
19 producers and other entities involved in the product chain.

20 (m) 'GEPA' or 'Guam EPA' shall mean the Guam Environmental
21 Protection Agency.

22 (n) 'Gross Vehicle Weight' or 'Gross Vehicle Weight Rating' means
23 the value specified by the manufacturer as the loaded weight of a single
24 vehicle.

25 (o) 'Heavy Equipment' shall mean any equipment, motor vehicle or
26 motor carrier, or non-road motor vehicle with a gross weight or gross vehicle
27 weight of five (5) tons or more.

1 (hp) ‘Junk Vehicle’ means a motor vehicle, regardless of operating
2 condition, that the registered owner has declared to have no value or no use,
3 or that is abandoned by being placed, discarded, or disposed of on public or
4 private property without approval by owners of said property for more than
5 seven (7) calendar days, or that is no longer registered in accordance with
6 Chapter 7 of Title 16 GCA.

7 (iq) ‘Motor Vehicle’ or ‘motorized vehicle’ shall mean automobiles,
8 automobile trucks, automobile wagons, buses, trucks, motorcycles or other
9 self-propelled wheeled conveyances that are primarily for use on Guam’s
10 public streets, roads, and highways that are required to be registered with the
11 Motor Vehicles Division, Department of Revenue and Taxation, Government
12 of Guam.

13 (jr) ‘Municipal Solid Waste’ is a subset of solid waste and is defined
14 as durable goods (e.g., appliance, batteries, tires), nondurable goods (e.g.,
15 newspapers, books, magazines), containers and packaging, food wastes, yard
16 trimmings, and miscellaneous organic wastes from residential, commercial,
17 and industrial non-process sources.

18 (s) ‘Person’ or ‘Persons’ shall mean any individual, partnership, co-
19 partnership, firm, company, corporation, association, joint-stock company,
20 trust, estate, or any agency, department, or instrumentality of the Federal or
21 local government, or any other legal representatives, agents or assigns.

22 (t) ‘Recovered Resources’ shall mean material or solid waste that
23 has been diverted from disposal for recycling, composting or mulching. This
24 term does not include incineration of those materials generated and normally
25 reused on-site for manufacturing purposes.

1 (ku) ‘Recyclable ~~m~~Materials’ means materials which still have useful
2 physical or chemical properties after serving a specific purpose for the same
3 or other purpose. Recyclable materials are as follows:

4 (1) batteries (i.e., lead-acid, portable computer batteries,
5 nickel-cadmium, sealed types for power backup);

6 (2) automobiles, buses, and trucks or any motor vehicle;

7 (3) tires (passenger/commercial);

8 (4) enameled white goods;

9 (5) home appliances (other small appliances that are not
10 considered enameled white goods);

11 (6) glass and plastic bottles;

12 (7) foam padding;

13 (8) lead;

14 (9) metals (ferrous/non-ferrous);

15 (10) organic material (i.e., tree trimmings, palm fronds, grass,
16 food waste, soiled cardboard);

17 (11) paper products;

18 (12) wood pallets and scrap wood;

19 (13) construction and demolition debris (‘C&D’);

20 (14) x-ray film;

21 (15) automobile oil and fluids;

22 (16) freon and other refrigerant gases;

23 (17) electronic waste (i.e., computers, circuit boards,
24 televisions, and portable phones);

25 (18) heavy equipment; ~~and~~

26 (19) ~~other recyclable materials deemed recyclable by GEPA~~
27 ~~pursuant to its rules and regulations.~~ abandoned derelict vessels; and

1 (20) other recyclable materials deemed recyclable by Guam
2 EPA pursuant to its rules and regulations.

3 (~~4~~v) 'Recycle or Recycling' means a method by which recovered
4 resources are converted for use as raw materials or feedstock to make new
5 products, as defined in § 51102(ii) of Chapter 51 of Title 10 GCA.

6 (~~m~~w) 'Recycling Company' shall mean any business licensed by the
7 Department of Revenue and Taxation, and permitted, as required in § 51104
8 of Chapter 51 of Title 10 GCA, by the Guam Environmental Protection
9 Agency to conduct business on Guam.

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

16 (~~o~~y) 'Recycling ~~f~~Fee' shall mean an annual fee levied upon the
17 registered owner of a motor vehicle to assist in the recycling and disposal of
18 motor vehicles and other recyclable materials in accordance with this Article.

19 (z) 'Recycling Industry Economic Stimulus Program' shall mean a
20 program that provides economic stimulus to local recycling companies that
21 ship recyclable materials off-island.

22 (aa) 'Reuse' shall mean to use again, including in a different way or
23 after reclaiming or reprocessing.

24 (bb) 'Solid Waste Management Facility' means any facility, or any
25 machinery, equipment, vehicles, structures or any part of accessories thereof
26 installed or acquired for the primary purpose of collection, transportation,

1 storage, recycling, processing or disposal of solid waste, and shall include
2 sanitary landfills or resource recovery facilities.

3 (cc) ‘Stimulus Certification Form’ shall mean a form officially issued
4 by Guam EPA to be completed by an eligible Recycling Facility to disclose
5 and certify the types and quantities of recyclable materials shipped off-island
6 to a recycling facility.

7 (dd) ‘Sustainable Materials Management’ means a systemic approach
8 to using and reusing materials more productively over their entire lifecycles.

9 (ee) “Upcycle” or “Upcycling” shall mean to recycle material in such
10 a way that the resulting product is of a higher value than the component
11 materials.

12 (ff) ‘Zero Waste’ means a holistic approach to addressing the
13 problem of unsustainable resource flows. Zero Waste encompasses waste
14 eliminated at the source through product design and producer responsibility,
15 and waste reduction strategies further down the supply chain such as
16 recycling, upcycling, reuse and composting.

17 **§ 51302. Recycling Revolving Fund.**

18 There is hereby created the Recycling Revolving Fund (Fund), which *shall be*
19 non-lapsing and maintained separate and apart from any other funds, including the
20 General Fund of the government of Guam, and independent records and accounts
21 *shall* be maintained thereof. The Recycling Revolving Fund *shall not* be
22 commingled with the General Fund and *shall* be kept in a separate bank account. All
23 revenue generated from recycling fees collected pursuant to this Article, including
24 interest earned, shall be deposited into the Recycling Revolving Fund and shall be
25 expended exclusively for the purposes authorized in Article 3 of Chapter 51 of Title
26 10, Guam Code Annotated. All monies in the Recycling Revolving Fund are hereby
27 appropriated, and shall continue to be deemed appropriated, to the Guam

1 Environmental Protection Agency to be expended in accordance with this Article.
2 The funds deposited into the Recycling Revolving Fund *shall not* be subject to the
3 transfer authority of ~~*I Maga'lahen Maga'hagan Guahan.*~~

4 **§ 51303 Continuing Appropriation and Use of Funds.**

5 (a) All revenues from the Recycling Revolving Fund are hereby
6 appropriated to the Guam Environmental Protection Agency to fund the following:

7 ~~(1) the Recycling Industry Economic Stimulus Program authorized~~
8 ~~in § 51309 of this Article;~~

9 ~~(2) not more than one (1) full time (FTE) employee (FTE) at the~~
10 ~~Guam Environmental Protection Agency whose time is solely dedicated to~~
11 ~~administering and implementing this Article;~~

12 ~~(3) One Hundred Thousand Dollars (\$100,000) to contract the~~
13 ~~professional services of an experienced private company to promote recycling~~
14 ~~in the community subject to 5 GCA Chapter 5;~~

15 ~~(4) Three Hundred Thousand Dollars (\$300,000) to contract the~~
16 ~~professional and technical services of private company to further develop and~~
17 ~~implement the priorities delineated in the Guam Zero Waste Plan (2013), and~~
18 ~~is subject to 5 GCA Chapter 5; and~~

19 ~~(5) all other purposes stipulated in Article 3; provided, that the rules~~
20 ~~and regulations regarding the Recycling Revolving Fund have been~~
21 ~~promulgated by the Guam Environmental Protection Agency and adopted in~~
22 ~~accordance with the Administrative Adjudication Act.~~

23 (1) Guam EPA Administration and Planning of the Zero Waste and
24 Recycling Programs

25 (A) The Administrator is authorized to spend ten percent
26 (10%) of the Fund to administer and implement this Article. Funds may
27 be used for:

1 (i) operational costs directly related to recycling and
2 zero waste for the Solid Waste Management Program, which
3 includes but not limited to personnel, supplies, equipment, and
4 training of staff;

5 (ii) compliance training for prospective recipients of
6 Recycling Revolving Funds;

7 (iii) implementation of a zero waste and recycling
8 program for government and the community in accordance with
9 this Article.

10 (B) In addition to amounts specified in § 51303 (a)(1)(A),
11 upon approval by the Board, the Administrator is authorized to spend
12 up to Fifty Thousand Dollars (\$50,000) to either procure professional
13 services, pursuant to Guam Procurement Law and Regulations, or fund
14 grants for education and outreach to promote recycling and zero waste.

15 (C) In addition to amounts specified in § 51303 (a)(1)(A),
16 upon approval by the Board, the Administrator is authorized to spend
17 up to Two Hundred Thousand Dollars (\$200,000) to either procure
18 professional and technical services, pursuant to Guam Procurement
19 Law and Regulations, or fund grants to update and further develop the
20 Guam Zero Waste Masterplan and a holistic government and island-
21 wide Zero Waste implementation plan to reach 50% and 75% waste
22 reduction by 2030 and 2040, respectively; to evaluate the effectiveness
23 of zero waste and recycling programs; and/or to research other areas
24 deemed priority by the Administrator. Grants are awarded through a
25 competitive process using established criteria by the Board and
26 Administrator.

27 (D) General Terms and Conditions for Use of Funds

1 (i) All proposals for use of funds shall be submitted to
2 the Board and Administrator for review. Proposals must be
3 approved by the Board and/or Administrator before the
4 expenditure of funds, which are subject to availability.

5 (ii) Prior to submitting bids or grant proposals, potential
6 recipients of funds shall obtain environmental regulatory
7 compliance, ethics, and other relevant training provided by
8 Guam EPA or designated provider. Required permits shall be
9 obtained as a condition of the use of the funds.

10 (iii) Performance targets. Projects shall meet
11 performance/waste diversion targets as determined by the
12 Administrator.

13 (iv) Reporting requirements. Reports and deliverables
14 shall be presented biannually to the Board and posted on Guam
15 EPA's website.

16 (v) Ethical requirement. All persons utilizing funds
17 from the Recycling Revolving Fund shall complete ethics
18 training sponsored by the Ethics Commission or designated
19 provider and shall attest to spending funds according ethical
20 requirements by Guam law. Non-compliance of ethics, in
21 addition to other remedies allowed under Guam law, may result
22 in termination of the award and barring of future application for
23 grants for a minimum period of two years upon the findings of
24 non-compliance by the Ethics Commission or, in the absence of
25 the Ethics Commission, by the Board.

26 (2) Community Zero Waste and Recycling Programs

1 (A) The Mayors' Council of Guam (MCOG) Island-wide
2 Environmental Cleanup Program (IECP) authorized in § 51306.

3 (B) The Recycling Industry Economic Stimulus Program
4 authorized in § 51308.

5 (C) Zero Waste Grant Program authorized in § 51309.

6 (D) Guam Solid Waste Authority Residential Recycling
7 Program authorized in § 51310.

8 (4) all other purposes stipulated in Article 3; provided that the rules
9 and regulations regarding the Recycling Revolving Fund have been
10 promulgated by the Guam Environmental Protection Agency and adopted in
11 accordance with the Administrative Adjudication Act.

12 ~~(b) In Fiscal Year 2007, the Director of Public Works shall expend monies~~
13 ~~from the Recycling Revolving Fund to pay current obligations of the Department of~~
14 ~~Public Works arising from the ongoing Island Wide Collection and Off-Island~~
15 ~~Disposal of Abandoned Vehicles, White Goods, Tires, and Batteries program~~
16 ~~pursuant to GSA Bid No. 038-05.~~

17 (eb) The Department of Administration shall prepare and transmit to the
18 Guam Environmental Protection Agency a weekly report on the current balance and
19 transactions of the Recycling Revolving Fund. The Guam Environmental Protection
20 Agency shall post this information on its website as it becomes available.

21 **§ 51304. Administration of the Recycling Revolving Fund.**

22 The Administrator shall administer the Fund and shall encumber all amounts
23 available in the Fund as expeditiously as possible for the purposes of assisting and
24 encouraging recycling of recyclable materials and zero waste initiatives. The
25 Administrator shall administer the Fund in accordance with this Article to cause the
26 following material/waste to be recycled or otherwise disposed according to the
27 following priority:

1 (a) First Priority - junk vehicles, tires, batteries, waste oil, white
2 goods/appliances, and plastic;

3 (b) Second Priority - paper, cardboard, ~~plastic~~, and glass;

4 (c) Third Priority - other recyclable materials as determined by the
5 Administrator and waste that can be reduced, reused, recycled, or prevented.

6 ~~(d) Not more than one (1) FTE employee at Guam Environmental
7 Protection Agency to administer this Article.~~

8 ~~In Fiscal Year 2009 the Administrator shall expend monies from the
9 Recycling Revolving Fund to first pay any remaining unpaid debt including any and
10 all prior year obligations related to GSA 038-05 before any other expenditures are
11 made to ensure that all previous accounts have been satisfied accordingly. The
12 Administrator shall then pay current obligations of the Department of Public Works
13 arising from the ongoing Island Wide Collection and Off Island Disposal of
14 Abandoned Vehicles, White Goods, Tires, and Batteries program pursuant to GSA
15 Bid No. 038-05. Any remaining unpaid debt shall be assumed by the Administrator.~~

16 ~~The Administrator, no later than ten (10) days after the end of each fiscal year,
17 shall transfer from the Recycling Revolving Fund three percent (3%) of the total
18 amount collected during that fiscal year to fund one (1) FTE employee at the Guam
19 Environmental Protection Agency. The Fund shall be subject to audits by the Public
20 Auditor.~~

21 The Administrator is authorized to use funds for administration, planning, and
22 implementation pursuant to §51303 of this Article.

23 **§ 51305. Levy and Collection of Recycling Fees.**

24 The Director of Revenue and Taxation is hereby authorized to levy a
25 Recycling Fee on individuals who are renewing their annual motor vehicle
26 registration with the Department of Revenue and Taxation Division of Motor
27 Vehicles, through the vehicle registration system. The Director of Revenue and

1 Taxation shall collect the Recycling Fees mandated by this Article and transmit the
2 fees to the ~~Director of DPW~~ Administrator for deposit in the Recycling Revolving
3 Fund.

4 ~~§ 51306.~~ — **Recycling Fees.**

5 ~~The Recycling Fees authorized in § 51305 are hereby imposed as follows:~~

6 ~~(a) Twenty Five Dollars (\$25.00) annually for each automobile, bus and~~
7 ~~truck registered by the Department of Revenue and Taxation through the annual~~
8 ~~vehicle registration system.~~

9 ~~(b) Three Dollars (\$3.00) for each motorcycle and trailer registered by the~~
10 ~~Department of Revenue and Taxation through the annual vehicle registration system.~~

11 ~~(c) Thirty Dollars (\$30.00) for each piece of heavy equipment registered~~
12 ~~by the Department of Revenue and Taxation through the annual vehicle registration~~
13 ~~system.~~

14 ~~(d) The Recycling Fee in Subsection (a) shall be waived upon initial~~
15 ~~issuance and subsequent renewal of vehicle license and registration for any Veteran~~
16 ~~determined by the U.S. Department of Veterans Affairs (USDVA) to be 100%~~
17 ~~Disabled or Individually Unemployable due to military service connected injuries.~~
18 ~~The fee shall be waived for one (1) non-commercial passenger vehicle, which~~
19 ~~includes sedans, coupes, pick-up trucks, motorcycles and station wagons~~
20 ~~manufactured primarily for the purpose of carrying passengers, and including those~~
21 ~~passenger cars pulling other light trailers, registered to the veteran, or legal guardian~~
22 ~~applying for benefits under this Section. A document issued by the USDVA or a~~
23 ~~U.S. military ID card, which certifies the disability rating, must be furnished to the~~
24 ~~Department of Revenue and Taxation in order to waive the annual Recycling Fee.~~

25 **§ 51307.** Authorization for the Department of Public Works (“DPW”) and
26 the Mayors’ Council of Guam to Contract with Recycling Companies.

1 (a) The Department of Public Works (DPW) and the Mayors' Council of
2 Guam (MCOG), in accordance with the applicable procurement laws and with the
3 approval of the Administrator, ~~is~~ are authorized to enter into contracts with recycling
4 companies for the collection, recycling, interim storage, disposal, and processing, or
5 any combination thereof, of automobiles, buses, heavy equipment, trucks, batteries,
6 tires, white goods, and other recyclable materials, and as required by, or in
7 accordance with, Articles 3 and 4 of Title 10 GCA, Chapter 51.

8 (b) At a minimum, DPW and MCOG ~~the Mayors' Council~~ shall require
9 that all ~~offerers~~ bidders include, as part of their written ~~offers~~ bids, proof of current
10 approved permits, certification of compliance with Title 10, GCA, Chapter 51 from
11 GEPA and a plan to remove collected recyclable materials, including abandoned
12 vehicles, from Guam's waste stream. Contractors employed under this Section shall
13 perform all work under this Article in compliance with all applicable laws, including
14 those of this Chapter, and the applicable Rules and Regulations of GEPA.

15 (c) The Guam Environmental Protection Agency shall promulgate the
16 necessary rules and regulations, in accordance with the Administrative Adjudication
17 Law, to properly implement this Article.

18 (d) It is at the discretion of the Administrator to approve DPW, MCOG, or
19 both to contract for services as provided by this §51306, and such approval may be
20 revoked by the Administrator at any time.

21 **§ 51308~~7~~.** **Adjustment of Recycling Fees.**

22 The Administrator shall review the fee authorized by § 51306~~5~~, supra, every
23 twenty-four (24) months and is authorized to adjust the fee by not more than twenty-
24 five percent (25%) in accordance with the Administrative Adjudication Law.

25 **§ 51309~~8~~.** **Recycling Industry Economic Stimulus Program.**

26 There is hereby created a Recycling Industry Economic Stimulus Program
27 (Program) to be administered by the Guam Environmental Protection Agency. The

1 purpose of the Program is to provide economic stimulus funding to local recycling
2 companies to support their recycling efforts. To qualify for this Program, a recycling
3 company has to be licensed to do business in Guam and hold a valid permit from the
4 Guam Environmental Protection Agency for the processing, temporary storage, and
5 beneficial reuse of recyclable materials solely generated on Guam. Recycling
6 companies who qualify under this Program shall receive subsidies for the off-island
7 shipment of recyclables to recycling facilities, pending funding availability and
8 based on an economic sliding scale developed by Guam EPA that is based on factors
9 such as fair market value and transportation ~~Thirty Dollars (\$30.00) for each ton of~~
10 ~~solid waste recycled by the respective company as documented with a bill of lading~~
11 ~~or similar documentation.~~ Qualified companies must provide documentation such as
12 with a bill of lading or similar document. Solid waste or recyclables imported into
13 Guam shall not qualify under this Program. The Administrator of the Guam
14 Environmental Protection Agency shall make quarterly and annual reports to I
15 Maga'hagån Guåhan and I Liheslaturan Guåhan on the condition of, and activity
16 within, the Program."

17 **§ 51309. Zero Waste Grant Program**

18 The Administrator is authorized to establish a Zero Waste Grant Program that
19 is in accordance with the Guam Zero Waste Masterplan that targets 50% and 75%
20 waste reduction by 2030 and 2040, respectively. Funds may be used for
21 development, infrastructure, and operations of waste reduction and/or diversion
22 projects or other assistance for zero waste initiatives within the community.

23 (a) With Board approval, the Administrator is authorized to spend
24 up to four hundred thousand dollars (\$400,000) for zero waste grants. With
25 Board approval, the Administrator is authorized to award Tier 1, Tier 2, and/or
26 Tier 3 level grants in the following manner:

1 (1) Tier 1 grants range are above \$50,000 but not to exceed
2 \$100,000;

3 (2) Tier 2 grants are above \$25,000 but not to exceed \$50,000;

4 (3) Tier 3 grants are not to exceed \$25,000.

5 (b) Selection of proposals for grant awards and the tier levels will be
6 based on selection criteria developed by Guam EPA with public input and
7 approval by the Board of Directors.

8 **§ 51310. Guam Solid Waste Authority Residential Recycling Program**

9 The Administrator is authorized to reimburse Guam Solid Waste Authority,
10 as a government entity, up to Four Hundred Thousand Dollars (\$400,000) in
11 accordance with the Guam Zero Waste Masterplan that includes, which may include
12 curbside recycling, household hazardous waste, electronic, and white goods
13 collection, processing, and marketing/shipping. GSWA shall submit a proposal,
14 including total costs, to Administrator and Board for approval.”

15 **Section 4.** Article 3 of Chapter 24, Division 4, Title 22, Guam Annotated
16 Rules and Regulations, is hereby *amended* to read as follows:

17 **GUAM’S RECYCLING REVOLVING FUND**

18 **RULES AND REGULATIONS**

19 Title 22, Division, 4, Chapter 24, Article 3

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20 **SECTION § 24301. GENERAL PROVISIONS**

21 **§ 24301.1. Purpose and Applicability**

22 The purpose of this Chapter is to clarify existing statute, provide a uniform
23 competitive business environment to all, and establish the minimum standards to
24 properly implement and administer Guam's Recycling Revolving Fund in
25 accordance with Title 10 of the Guam Code Annotated (GCA), Chapter 51, Article
26 3, under the authority granted by 10 GCA §51307(c).

27 **§ 24301.2. Definitions**

1 For the purposes of this Chapter, the terms defined in 10 GCA, Chapter 51,
2 Article 3, §51301 shall have the meaning ascribed to them therein, and the following
3 words and phrases, together with all of the common derivations thereof, shall have
4 the meaning ascribed to them as follows:

5 (a) “Administrator” shall mean the Administrator of the Guam
6 Environmental Protection Agency, or designee.

7 (ab) **“Beneficial Use”** shall mean the substitution of materials, either
8 as generated or following additional processing, for some or all of the virgin
9 materials in a natural or commercial product in a way that; provides a
10 functional benefit; meets product specifications; and does not pose concerns
11 to human health or the environment.

12 (bc) **“Best Available Technology”** shall mean a recognized and
13 approved technology by the United States Environmental Protection Agency.

14 (ed) **“Board”** shall mean the Board of Directors of the Guam
15 Environmental Protection Agency.

16 (e) “Compost” or “Composting” shall mean a mixture, consisting
17 primarily of decayed organic matter and is used for fertilizing and
18 conditioning land or converting a material, such as plant debris, to compost.

19 (f) “DPW” shall mean the Department of Public Works.

20 (g) “Director” shall mean the Director of the Department of Public
21 Works.

22 (dh) **“Disaster Debris”** shall mean any items and materials broken,
23 destroyed, or displaced by a natural or man-made federally or locally declared
24 disaster. Examples of disaster debris include, but are not limited to, trees,
25 construction and demolition material, and personal property.

1 (ei) **“Disaster Debris Management”** shall mean the removal and
2 disposal of debris that was generated by a disaster and which presents an
3 immediate threat to the public interest.

4 (fi) **“Electronic Waste”** or **“E-Waste”** shall mean electrical and
5 electronic equipment, ~~that is~~ dependent on electric currents or electromagnetic
6 fields ~~in order~~ to function (including all components, subassemblies and
7 consumables, which are part of the original equipment at the time of
8 discarding). ~~For example~~ E-waste may include, but is not limited to,
9 consumer electronics, /entertainment devices, electronics such as televisions,
10 DVD players and tuners,; ~~D office devices of office,~~ information and
11 communications technology, ~~such as~~ computers, circuit boards, telephones
12 and mobile phones.

13 (k) **“Enameled White Goods”** shall mean appliances for home or
14 commercial use including, but not limited to, refrigerators, water heaters, air
15 conditioners, washers, dryers, and stoves.

16 (l) **“Extended user responsibility”** shall mean policies or practices
17 that place a shared responsibility for end-of-life product management on
18 producers and other entities involved in the product chain.

19 (m) **“GEPA”** or **“Guam EPA”** shall mean the Guam Environmental
20 Protection Agency.

21 (n) **“Gross Vehicle Weight”** or **“Gross Vehicle Weight Rating”**
22 means the value specified by the manufacturer as the loaded weight of a single
23 vehicle.

24 (o) **“Heavy Equipment”** shall mean any equipment, motor vehicle
25 or motor carrier, or non-road motor vehicle with a gross weight or gross
26 vehicle weight of five (5) tons or more.

1 (gp) “Import” shall mean to bring in, or accept delivery of,
2 recyclable materials from any source outside of Guam.

3 (q) “Junk Vehicle” means a motor vehicle, regardless of operating
4 condition, that the registered owner has declared to have no value or no use,
5 or that is abandoned by being placed, discarded, or disposed of on public or
6 private property without approval by owners of said property for more than
7 seven (7) calendar days, or that is no longer registered in accordance with
8 Chapter 7 of Title 16 GCA.

9 (r) “Motor Vehicle” or “motorized vehicle” shall mean
10 automobiles, automobile trucks, automobile wagons, buses, trucks,
11 motorcycles or other self-propelled wheeled conveyances that are primarily
12 for use on Guam’s public streets, roads, and highways that are required to be
13 registered with the Motor Vehicles Division, Department of Revenue and
14 Taxation, Government of Guam.

15 (s) “Municipal Solid Waste” is a subset of solid waste and is
16 defined as durable goods (e.g., appliance, batteries, tires), nondurable goods
17 (e.g., newspapers, books, magazines), containers and packaging, food wastes,
18 yard trimmings, and miscellaneous organic wastes from residential,
19 commercial, and industrial non-process sources.

20 (ht) “Person” or “Persons” shall mean any individual, partnership,
21 co-partnership, firm, company, corporation, association, joint stock company,
22 trust, estate, or any agency, department, or instrumentality of the Federal or
23 local government, or any other legal representatives, agents or assigns.

24 (iu) “Priority Materials” shall mean all those materials identified by
25 the Fund, in the order specified in ~~section~~ §24302-1(b) of this Article.

26 (jv) “Recovered Resources” shall mean material or solid waste that
27 has been diverted from disposal for the purpose of recycling, composting or

1 mulching. This term does not include incineration or those materials that are
2 generated and normally reused on-site for manufacturing purposes.

3 (w) “Recyclable Materials” means materials that still have useful
4 physical or chemical properties after serving a specific purpose for the same
5 or other purpose. Recyclable materials are as follows:

6 (1) batteries (i.e., lead-acid, portable computer batteries,
7 nickel-cadmium, sealed types for power backup);

8 (2) automobiles, buses, and trucks or any motor vehicle;

9 (3) tires (passenger/commercial);

10 (4) enameled white goods;

11 (5) home appliances (other small appliances that are not
12 considered enameled white goods);

13 (6) glass and plastic bottles;

14 (7) foam padding;

15 (8) lead;

16 (9) metals (ferrous/non-ferrous);

17 (10) organic material (i.e., tree trimmings, palm fronds, grass,
18 food waste, soiled cardboard);

19 (11) paper products;

20 (12) wood pallets and scrap wood;

21 (13) construction and demolition debris (‘C&D’);

22 (14) x-ray film;

23 (15) automobile oil and fluids;

24 (16) freon and other refrigerant gases;

25 (17) electronic waste (i.e., computers, circuit boards,
26 televisions, and portable phones);

27 (18) heavy equipment; and

1 ~~(19) other recyclable materials deemed recyclable by GEPA~~
2 ~~pursuant to its rules and regulations.~~ abandoned derelict vessels; and

3 (20) other recyclable materials deemed recyclable by Guam
4 EPA pursuant to its rules and regulations.

5 (x) “Recycle or Recycling” means a method by which recovered
6 resources are converted for use as raw materials or feedstock to make new
7 products, as defined in § 51102(ii) of Chapter 51 of Title 10 GCA.

8 (y) “Recycling Company” shall mean any business licensed by the
9 Department of Revenue and Taxation, and permitted, as required in § 51104
10 of Chapter 51 of Title 10 GCA, by the Guam Environmental Protection
11 Agency to conduct business on Guam.

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

18 (aa) “Recycling Fee” shall mean an annual fee levied upon the
19 registered owner of a motor vehicle to assist in the recycling and disposal of
20 motor vehicles and other recyclable materials in accordance with this Article.

21 (~~k~~bb) “Recycling Industry Economic Stimulus Program” shall
22 mean a program that provides economic stimulus to local recycling companies
23 that ship recyclable materials off-island.

24 (~~l~~cc) “Solid Waste Management Facility” means any facility, or any
25 machinery, equipment, vehicles, structures or any part of accessories thereof
26 installed or acquired for the primary purpose of collection, transportation,

1 storage, recycling, processing or disposal of solid waste, and shall include
2 sanitary landfills or resource recovery facilities.

3 (~~m~~dd) “**Stimulus Certification Form**” shall mean a form officially
4 issued by Guam EPA to be completed by the Economic Stimulus Program
5 Participants to disclose and certify the types and quantities of recyclable
6 materials shipped off-island to a recycling facility.

7 (~~n~~ee) “**Sustainable Materials Management**” means a systemic
8 approach to using and reusing materials more productively over their entire
9 lifecycles.

10 (~~o~~ff) “**Special Waste**” means white goods, household hazardous
11 waste, automotive batteries and abandoned vehicles.

12 (~~g~~g) “**Upcycle**” or “**Upcycling**” shall mean to recycle material in
13 such a way that the resulting product is of a higher value than the component
14 materials.

15 (~~p~~hh) “**Zero Waste**” means a holistic approach to addressing the
16 problem of unsustainable resource flows. Zero Waste encompasses waste
17 eliminated at the source through product design and producer responsibility,
18 and waste reduction strategies further down the supply chain such as
19 recycling, upcycling, reuse and composting.

20 § 24301.3. Fees

21 The Recycling Fees authorized in § 51305 are hereby imposed as follows:

22 (a) Twenty-Five Dollars (\$25.00) annually for each automobile, bus
23 and truck registered by the Department of Revenue and Taxation through the
24 annual vehicle registration system.

25 (b) Three Dollars (\$3.00) for each motorcycle and trailer registered
26 by the Department of Revenue and Taxation through the annual vehicle
27 registration system.

1 (c) Thirty Dollars (\$30.00) for each piece of heavy equipment
2 registered by the Department of Revenue and Taxation through the annual
3 vehicle registration system.

4 (d) The Recycling Fee in Subsection (a) shall be waived upon initial
5 issuance and subsequent renewal of vehicle license and registration for any
6 Veteran determined by the U.S. Department of Veterans Affairs (USDVA) to
7 be 100% Disabled or Individually Unemployable due to military service-
8 connected injuries. The fee shall be waived for one (1) non-commercial
9 passenger vehicle, which includes sedans, coupes, pick-up trucks,
10 motorcycles and station wagons manufactured primarily to carry passengers,
11 and including those passenger cars pulling other light trailers registered to the
12 veteran, or legal guardian applying for benefits under this Section. A
13 document issued by the USDVA or a U.S. military ID card, which certifies
14 the disability rating, must be furnished to the Department of Revenue and
15 Taxation in order to waive the annual Recycling Fee.

16 **§ 24301.4. General Terms and Conditions for Use of Recycling**
17 **Revolving Funds**

18 (a) All proposals for use of funds shall be submitted to the Board and
19 Administrator for review and approval, before the expenditure of funds that are
20 subject to availability. Award amounts are final. Reimbursement for additional costs
21 are not allowed.

22 (b) Prior to submitting bids or grant proposals, potential recipients of funds
23 shall obtain environmental regulatory compliance, ethics, and other relevant training
24 provided by Guam EPA or designated provider. Required permits shall be obtained
25 as a condition for the use of funds.

26 (c) Performance targets. Projects shall meet performance/waste diversion
27 targets as determined by the Administrator.

1 (d) Reporting requirements. Reports and deliverables shall be presented
2 biannually to the Board and posted on Guam EPA's website.

3 (e) Ethical requirement. All recipients of funds from the Recycling
4 Revolving Fund shall complete ethics training sponsored by the Ethics Commission
5 or designated provider and shall attest to spending funds according ethical
6 requirements Guam law. Non-compliance of ethics, in addition to other remedies
7 allowed under Guam law, can result in termination of the award and barring of future
8 application for grants for a minimum period of two years upon the findings of non-
9 compliance by the Ethics Commission or, in the absence of the Ethics Commission,
10 by the Board.

11 **SECTION § 24302. ADMINISTRATION AND PLANNING OF**
12 **THE RECYCLING REVOLVING FUND**

13 **§ 24302.1. Administration of Recycling Revolving Fund**

14 (a) Monies in the Recycling Revolving *Fund* shall be administered,
15 managed, and maintained by the GEPA Administrator ~~for the implementation to~~
16 implement of 10 GCA Chapter 51, Article 3, in accordance with the requirements of
17 the Article.

18 (b) The Administrator may use the *Fund* for the ~~recycling initiatives~~
19 purposes described under §24302, and §24303 in these Regulations with the
20 following priorities:

21 (1) First Priority: junk vehicles, tires, batteries, waste oil, white
22 goods/appliances, and plastic;

23 (2) Second Priority: paper, cardboard, ~~plastic~~ and glass;

24 (3) Third Priority: other recyclables as determined by the
25 Administrator, and

26 (c) The Administrator shall determine the funding for each ~~of the~~ recycling
27 and zero waste initiatives and submit the determination to the Guam EPA Board of

1 Directors for approval by March 31st of each the current fiscal year. The approved
2 funding will be effective ~~on~~in the following fiscal year.

3 (d) The Administrator is authorized to spend ten percent (10%) of the Fund
4 to administer and implement this Article. Funds may be used for:

5 (1) operational costs directly related to recycling and zero waste for
6 the Solid Waste Management Program, which includes but not limited to
7 personnel, supplies, equipment, and training of staff;

8 (2) compliance training for prospective recipients of Recycling
9 Revolving Funds;

10 (3) implementation of a zero waste and recycling program for
11 government and the community in accordance with this Article.

12 **§ 24302.2. Planning of Recycling Revolving Fund**

13 (a) In addition to amounts specified in § 51303 (a)(1)(A), upon approval
14 by the Board, the Administrator is authorized to spend up to Fifty
15 Thousand Dollars (\$50,000) to either procure professional services,
16 pursuant to Guam Procurement Law and Regulations, or fund grants for
17 education and outreach to promote recycling and zero waste.

18 (b) In addition to amounts specified in § 51303 (a)(1)(A), upon approval
19 by the Board, the Administrator is authorized to spend up to Two Hundred
20 Thousand Dollars (\$200,000) to either procure professional and technical
21 services, pursuant to Guam Procurement Law and Regulations, or to fund
22 grants to update and further develop the Guam Zero Waste Masterplan and
23 holistic implementation plan to reach zero waste targets of 50% and 75%
24 waste reduction by 2030 and 2040, respectively; to evaluate the
25 effectiveness of zero waste and recycling programs; and/or to research
26 other areas deemed priority by the Administrator. Grants are awarded

1 through a competitive process using established criteria by the Board and
2 Administrator.

3
4 **§ 24303. COMMUNITY ZERO WASTE and RECYCLING**
5 **INITIATIVES**

6 **§ 24303.1. Mayor's Mayors' Council of Guam (MCOG) Island-wide**
7 **Environmental Cleanup Program (IECP)**

8 (a) The Administrator may approve contracts between the Department of
9 Public Works (DPW) or the Mayors' Council of Guam (MCOG) and recycling
10 companies for the collection, recycling, interim storage, disposal and processing or
11 any combination thereof, of automobiles, buses, heavy equipment, trucks, batteries,
12 tires, white goods, and other recyclable materials in accordance with Articles 3 and
13 4 of Title 10 GCA, Chapter 51, and §24303.1(b) of this Article, to implement an
14 Island-wide Environmental Cleanup Program (IECP) on behalf of the Mayors'
15 Council of Guam with the following conditions:

16 (1) All applicable procurement laws must be followed; and

17 (2) Each contract must be conditioned upon proof that the recycling
18 company has current permits for the work it is to perform, including, but not
19 limited to, solid waste facility permits, solid waste collection permits,
20 certifications, or other permits or licenses required to collect, remove, recycle
21 or dispose of solid waste; and

22 (3) Each contract must be conditioned upon compliance with all
23 solid waste rules and regulations; and

24 (4) Each contract must require the recycling company to report all
25 recyclables collected per village under this program to Guam EPA upon
26 submittal of invoices to DPW or MCOG, as outlined in the contract approved
27 by the Administrator, for payment.

1 (b) In each fiscal year, prior to any collection, processing, or storage of
2 recyclable materials under contract pursuant to this section, a comprehensive
3 *Operation Plan* for the contractual work described in §24303.1(a) must be submitted
4 by DPW or the MCOG, as outlined in the contract approved by the Administrator,
5 to Guam EPA and receive approval from the Administrator. The Administrator shall
6 only approve the *Operation Plan* if the *Operation Plan* contains in detail the
7 operational systems that address collection, processing, storage, emergency
8 procedures, health and safety, reporting and closeout procedures for each
9 municipality.

10 (c) The Administrator may use funds to support the recycling and zero
11 waste initiatives in this Section subject to the following conditions:

12 (1) Funds may be expended only in accordance with valid contracts
13 approved under this Section; and

14 (2) No funds shall be disbursed prior to the Administrator's approval
15 of the Operation Plan described in §24303.1(b); and

16 (3) Unused funds must be returned to the Recycling Revolving Fund
17 every fiscal year.

18 **§ 24303.2. Recycling Industry Economic Stimulus Program,**
19 **Applicability and Eligibility**

20 (a) Potential Recycling Industry Economic Stimulus Program Participants
21 must establish eligibility by meeting all of the following criteria:

22 (1) Possess a valid license from the Guam Department of Revenue
23 and Taxation to conduct business ef on Guam; and

24 (2) Possess a valid solid waste management facility permit from
25 Guam EPA for processing and storage; and

1 (3) Provide a bill of lading or similar documentation detailing the
2 types of recyclable materials shipped, quantity in tons, and name of receiving
3 facility; and

4 (4) Complete and submit all applicable Stimulus Certification Forms
5 provided by Guam EPA; and

6 (5) Remain in compliance with all solid waste rules and regulations.

7 (b) Only recyclable materials generated on Guam are eligible for payments
8 under this Section. Recyclable materials imported into Guam for purposes such as,
9 but not limited to, transit, transshipment or consolidation shall not qualify under this
10 Program.

11 **§ 24303.3. Recycling Industry Economic Stimulus Program, Payment**
12 **Calculation**

13 (a) Recycling Industry Economic Stimulus Program participants who
14 establish eligibility by meeting all the criteria specified in ~~Section~~ §24303.2(a) may
15 receive an economic stimulus payment for each ton of recyclable material
16 transported off Guam to a recycling facility.

17 (b) Stimulus payments will be made in the order that completed forms are
18 received by Guam EPA until approved funding has been exhausted.

19 (c) By March 31st of each year, the Administrator may select the eligible
20 recycling materials for the next fiscal year based on global market trends, and submit
21 a written recommendation to the Board for its approval. If the Board does not
22 approve any eligible recycling materials for a particular year, no stimulus payments
23 will be made in that year.

24 (d) Each year, the Administrator may determine the dollar amount per
25 recyclable material to be disbursed to the eligible recycling facilities and submit a
26 written recommendation to the Board for its approval. The dollar amount per
27 recyclable material shall be based on factors including the prioritization of materials,

1 market conditions, economic analyses, and operational, transportation, and
2 processing costs in its assessment, and:

3 ~~i.~~ (1) A base stimulus payment calculation per recyclable material
4 express as follows: Base Stimulus Payment [dollars per ton] = Shipping Cost
5 - Market Price.

6 ~~ii.~~ (A) “Shipping cost” is calculated using the World Freight
7 Rates Freight Calculator or comparable shipping cost resource for port-
8 to-port containerized ocean shipments and the U.S. EPA Office of
9 Resource Conservation and Recovery Volume-to-Weight Conversion
10 Factors; and

11 ~~iii.~~ (B) “Market price” is equivalent to the RecycleNet scrap index
12 or comparable market index material sale price on the first day of the
13 quarter preceding the start of the next fiscal year.

14 (2) A stimulus payment may be issued for recyclable materials when
15 the calculated Stimulus Payment exceeds zero dollars (\$0.00) per ton (i.e.,
16 stimulus will not be paid when the recycled material is revenue positive); and

17 (3) The Administrator shall determine the funding levels of stimulus
18 payments to be paid subject to the availability of funds and funding priorities.

19 (e) For the fiscal year beginning October 1, 2019, the Administrator may
20 select the eligible materials, subject to Board approval and applicable stimulus
21 payments.

22 **§ 24303.4. Guam Beverage Container Recycling - RESERVE**

23 **§ 24303.5. Integrated Solid Waste Management Plan - RESERVE**

24 **§ 24303.6. Green Waste Plan – Composting and Organics - RESERVE**

25 **§ 24303.7. Disaster Debris Management – RESERVE**

26 **§ 24303.8 Zero Waste Grant Program— RESERVE**

1 **§ 24303.9. Guam Solid Waste Authority Residential Recycling Program-**

2 **-RESERVE**

3 **Section 5. Promulgation of Rules and Regulations for Guam Zero**
4 **Waste Act.** Guam EPA shall promulgate rules and regulations for the Green Waste
5 Plan—Composting and Organics, the Zero Waste Grant Program, and the Guam
6 Solid Waste Authority Residential Recycling Program no later than one hundred
7 eighty (180) calendar days upon enactment.

8 **Section 6. Effective Date.** This Act shall be effective upon enactment.

9 **Section 7. Severability.** If any provision of this Act or its application
10 to any person or circumstance is found to be invalid or contrary to law, such
11 invalidity *shall not* affect other provisions or applications of this Act that can be
12 given effect without the invalid provision or application, and to this end the
13 provisions of this Act are severable.