

# I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN

## 2019 (FIRST) Regular Session

# LEGISLATIVE SESSION VOTING RECORD

Bill No. 27-35 (COR) As amended by the Committee on Environment, Revenue and Taxation, and Procurement.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building March 21, 2019					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Senator Louise B. MUÑA	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

**TOTAL: 15**

Aye

Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO  
Clerk of the Legislature

I = Pass

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2019 (FIRST) Regular Session**

**Bill No. 27-35 (COR)**

As amended by the Committee on Environment,  
Revenue and Taxation, and Procurement.

Introduced by:

Therese M. Terlaje  
Sabina Flores Perez  
Clynton E. Ridgell

**AN ACT TO *AMEND* § 45105 OF ARTICLE 1, CHAPTER 45, AND *ADD* A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPA BOARD OF DIRECTORS.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that better communication of potential health risks associated with violations of  
4 environmental regulations is important to protecting the health of the community  
5 and ensuring compliance of environmental laws and regulations. Notices of  
6 Violation (NOV), Orders of Compliance, Notices of Defense, Voluntary  
7 Compliance Agreements, Settlement Agreements, and Referrals to the Office of the

1 Attorney General for Prosecution are enforcement procedures put in place by the  
2 Guam Environmental Protection Agency (GEPA) to uphold compliance with  
3 Guam’s environmental laws and regulations.

4 *I Liheslaturan Guåhan* finds that GEPA is not mandated by law to inform the  
5 public of violations unless a violation poses an immediate threat to the health and  
6 safety of the community. Presently, public inquiries for GEPA enforcement  
7 documents require a formal request to the GEPA Administrator or the submission of  
8 a Freedom of Information Act (FOIA) request. However, GEPA, in an effort towards  
9 transparency and open governance, announced on its website that starting October  
10 1, 2018, all Notices of Violations issued by the agency will be published on the  
11 agency’s website. *I Liheslaturan Guåhan* finds that to support GEPA’s commitment  
12 towards increased transparency and open governance, and to encourage compliance  
13 with Guam’s environmental laws and regulations, GEPA should, on a timely basis,  
14 publish all NOV’s, Orders of Compliance, Notices of Defense, Voluntary  
15 Compliance Agreements, Settlement Agreements, and Referrals to the Office of the  
16 Attorney General for Prosecution.

17 It is also the intent of *I Liheslaturan Guåhan* to increase the level of checks  
18 and balances of the enforcement process at GEPA by requiring that all settlement  
19 agreements be reported to the GEPA Board of Directors.

20 **Section 2.** § 45105 of Chapter 45, Title 10, Guam Code Annotated, is  
21 hereby *amended* to read:

22 **“§ 45105. Powers and Duties.**

23 The Guam Environmental Protection Agency *shall* be responsible for  
24 the implementation of the Guam Food, Drug and Cosmetic Act, 10 GCA Ch.  
25 40; the Toxic Substances Exposure Compensation Act, 10 GCA Ch. 41; the  
26 Guam Beverage Container Recycling Act of 2010, 10 GCA Ch. 44; the Water  
27 Resources Conservation Act, 10 GCA Ch. 46; the Water Pollution Control  
28 Act, 10 GCA Ch. 47; the Toilet Facilities and Sewage Disposal Act, 10 GCA

1 Ch. 48; the Air Pollution Control Act, 10 GCA Ch. 49; the Guam Pesticides  
2 Act, 10 GCA Ch. 50; the Solid Waste Management and Litter Control Act, 10  
3 GCA Ch. 51; the Water and Wastewater Operator’s Mandatory Certification  
4 Act, 10 GCA Ch. 52; the Safe Drinking Water Act, 10 GCA Ch. 53; the Guam  
5 Lead Ban Act, 10 GCA Ch. 53a; the Environmental Pollution Control Act, 10  
6 GCA Ch. 54; the Guam Oil Spill Responder Act, 10 GCA Ch. 54a; the Choose  
7 to Reuse: *Munga Ma Ayek I Plastek* Act of 2018, 10 GCA Ch. 54b; the  
8 Underground Storage of Regulated Substances Act, 10 GCA Ch. 76; and the  
9 Above Storage of Regulated Substances Act, 10 GCA Ch. 76a.

10 The Guam Environmental Protection Agency shall publish all Notices  
11 of Violation, Orders of Compliance, Notices of Defense, Voluntary  
12 Compliance Agreements of the Guam Pesticides Act and the Guam Beverage  
13 Container Recycling Act of 2010, Settlement Agreements, and Referrals to  
14 the Office of Attorney General for Prosecution no later than fifteen (15) days  
15 from service, and shall report all settlement agreements to the GEPA Board  
16 of Directors at the next scheduled regular board meeting.

17 **Section 3.** A new § 50104(p) is hereby *added* to Chapter 50 of Title 10,  
18 Guam Code Annotated, to read:

19 “(p) Publish all Notices of Violation, Orders of Compliance, Notices  
20 of Defense, Voluntary Compliance Agreements, Settlement Agreements, and  
21 Referrals to the Office of Attorney General for Prosecution issued to any  
22 agency or persons in violation of any of the acts on its website *no later than*  
23 fifteen (15) days from service, and shall report all of the above to the GEPA  
24 Board of Directors at the next scheduled regular board meeting.”

25 **Section 4.** A new § 22107(g) is hereby *added* to Chapter 22 of Title 22, Guam  
26 Administrative Rules and Regulations, to read:

27 “(g) **Public Notice.** The Guam Environmental Protection Agency  
28 Administrator shall publish all Notices of Violation, Orders of Compliance,