

*I Mina'trentai Ocho Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
132-38 (COR)	Sabina Flores Perez V. Anthony Ada	AN ACT TO <i>AMEND</i> § 45200(a), § 45201, § 45202, AND § 45203, ALL OF ARTICLE 2, CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE GUAM ENVIRONMENTAL TRUST FUND THAT ENHANCES THE RESPONSE TO ENVIRONMENTAL EMERGENCIES AND INCREASES THE CAPACITY OF GUAM ENVIRONMENTAL PROTECTION AGENCY TO SAFEGUARD THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.	5/5/25 1:45 p.m.  5/20/25 2:03 p.m.						

***I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN***  
**2025 (FIRST) Regular Session**

**Bill No. 132-38 (COR)**

Introduced by:

Sabina Flores Perez <sup>SFP</sup>  
V. Anthony Ada <sup>Q</sup>

**AN ACT TO *AMEND* § 45200(a), § 45201, § 45202, AND § 45203, ALL OF ARTICLE 2, CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE GUAM ENVIRONMENTAL TRUST FUND THAT ENHANCES THE RESPONSE TO ENVIRONMENTAL EMERGENCIES AND INCREASES THE CAPACITY OF GUAM ENVIRONMENTAL PROTECTION AGENCY TO SAFEGUARD THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that the requirements and authorized uses under the Guam Environmental  
4 Protection Agency's (GEPA) Environmental Trust Fund are outdated or limiting to  
5 the Agency to effectively meet its wide array of mandates. Currently, the  
6 Environmental Trust Fund is authorized for the cleanup of hazardous waste,  
7 environmental restoration, the handling of household hazardous waste, and 'for  
8 programs relative to the prevention of environmental problems.' It does not  
9 specifically authorize funds for environmental activities related to improvement,  
10 compliance and enforcement of Safe Drinking Water Act, water quality, air quality,  
11 hazardous waste management, recycling, environmental monitoring and analysis;

1 environmental planning, and technical assistance and training. The lack of clarity  
2 may be impediments to GEPA's mission of holistically safeguarding the  
3 environment.

4 *I Liheslatura* finds that the cap of Five Thousand Dollars (\$5,000) without  
5 legislative appropriation for an emergency response and the requirement that the  
6 Governor formally make an emergency declaration is insufficient for GEPA to  
7 appropriately respond to hazardous emergencies. With the enactment of Public Law  
8 35-109, emergency procurement was extended to imminent threats to the health and  
9 safety of the environment. Current emergency procurement law also authorizes  
10 emergency procurement by either the formal declaration of an emergency by the  
11 Governor or through a certificate of emergency made by the Chief Procurement  
12 Officer or head of a purchasing agency with approval by the Governor. Emergency  
13 procurement law also extends emergency procurement up to a 90-day period, thus  
14 increasing the Agency's ability to respond to environmental emergencies and  
15 imminent environmental threats.

16 *I Liheslatura* finds that Ordot Dump Reserve Fund created by Public Law 37-  
17 64 enabled reserving of the partial settlement funds, resulting from *United States of*  
18 *America v. Government of Guam*, Civil Case No. 02-00022, of approximately  
19 Thirty-Three Million Dollars (\$33,000,000) that meets financial regulatory  
20 requirements for post-closure mitigation and cleanup activities concerning the Ordot  
21 Dump.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to empower the Guam  
23 Environmental Protection Agency through modernizing the Environmental Trust  
24 Fund by expanding authorized uses, removing caps to increase flexibility in the use  
25 of the Fund, and by allowing GEPA to create a reserve fund for the purpose of  
26 emergency responses to environmental threats. *I Liheslaturan Guåhan* further  
27 intends to increase transparency and accountability of the use of the fund by

1 expanding the reporting requirements that details revenues, expenditures and  
2 balance to be submitted annually to *I Liheslatura* and *I Maga'hågan Guåhan*.

3 **Section 2.** § 45200(a) of Article 2, Chapter 45, Title 10, Guam Code  
4 Annotated is hereby *amended* to read:

5 **“§ 45200. Guam Environmental Trust Fund.**

6 (a) There is hereby created, separate and apart from other funds of the  
7 government of Guam, a fund known as the Guam Environmental Trust Fund (Fund).  
8 The Fund shall not be commingled with the General Fund and shall be kept in a  
9 separate bank account, subject to legislative appropriation, ~~to be used by the~~  
10 ~~Administrator of the Guam Environmental Protection Agency (Administrator) to~~  
11 ~~clean up hazardous materials and restore and repair damage done to Guam's~~  
12 ~~environment, as well as to collect, transport, process and dispose of household waste~~  
13 ~~in accordance with the provisions of the Ordot Dump Consent Decree Supplemental~~  
14 ~~Environmental Project (SEP). The Environmental Trust Fund shall not be subject to~~  
15 ~~the transfer authority of *I Maga'hågan Guåhan*. The Fund shall be used by the~~  
16 ~~Administrator of the Guam Environmental Protection Agency (Administrator) to:~~

17 (1) clean up hazardous materials and illegal dump sites, and restore and  
18 repair damage done to Guam's environment;

19 (2) create a reserve fund for emergency response;

20 (3) transport, process and dispose of household waste in accordance  
21 with the provisions of the Ordot Dump Consent Decree Supplemental  
22 Environmental Project (SEP) and implement solid waste management  
23 activities to curb illegal dumping; and

24 (4) conduct activities related to improvement, compliance and  
25 enforcement of Safe Drinking Water Act, water quality, air quality, hazardous  
26 waste management, recycling, environmental monitoring and analysis;  
27 environmental planning; technical assistance and training, in accordance with

1 applicable Guam and federal laws and regulations.”

2 **Section 3.** § 45201 of Article 2, Chapter 45, Title 10, Guam Code Annotated  
3 is hereby *amended* to read:

4 **“§ 45201. Use of Funds and Keeping a Safe and Healthy Environment.**

5 ~~Up to Twenty five percent (25%) of the funds~~ Funds in the Guam  
6 Environmental Trust Fund may be utilized by the Administrator of the Guam  
7 Environmental Protection Agency for programs relative to the prevention of  
8 environmental problems, and the promotion of keeping a safe and healthy  
9 environment.”

10 **Section 4.** § 45202 of Article 2, Chapter 45, Title 10, Guam Code Annotated  
11 is hereby *amended* to read:

12 **“§ 45202. Authorized Expenditure and Emergency Declaration.**

13 ~~Notwithstanding § 45200(a) of this Chapter, the~~ The Administrator of the  
14 Guam Environmental Protection Agency is hereby authorized to utilize reserve  
15 funds to make emergency procurements in response to emergency declarations  
16 pursuant to this Article and § 5215 of Chapter 5, Title 5, of the Guam Code  
17 Annotated, spend no more than Five Thousand Dollars (\$5,000.00) for the purposes  
18 of assessment, cleaning up hazardous materials, and restoring and repairing damages  
19 done to the Guam environment, and provisions for staff pay, equipment, and supplies  
20 necessary to support emergency response activities. per declaration, without  
21 legislative appropriation; provided, that an Emergency Declaration has been  
22 declared by I Maga'hågan/Maga'låhen Guåhan. The use of funds for emergency  
23 procurements greater than what is held in the reserve fund shall require Board  
24 approval prior to the expenditure of said funds.”

25 **Section 5.** § 45203 of Article 2, Chapter 45, Title 10, Guam Code Annotated  
26 is hereby *amended* to read:

27 **“§ 45203. Submission of Detailed Report of Expenditures on a Quarterly**

1 **Basis. Annual Reporting Requirements of the Environmental Trust Fund.**

2 The Administrator of the Guam Environmental Protection Agency shall  
3 submit annually for the period from October 1<sup>st</sup> through September 30<sup>th</sup> to I  
4 *Liheslaturan Guåhan* and *I Maga'hågan/Maga'låhen Guåhan* a detailed report of  
5 ~~the expenditures of the Guam Environmental Trust Fund on a quarterly basis~~  
6 including itemized and total revenues, expenditures, and annual and cumulative  
7 balance of the Guam Environmental Trust Fund.”

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 to any  
10 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
11 affect other provisions or applications of this Act that can be given effect without  
12 the invalid provision or application, and to this end the provisions of this Act are  
13 severable.