

*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
<b>141-38 (COR)</b>	Sabina Flores Perez Chris Barnett Therese M. Terlaje Tina Rose Muña Barnes William A. Parkinson	AN ACT TO ADD A NEW § 51104(h) TO ARTICLE 1, CHAPTER 51, DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, TO REPEAL § 23104(d)(5), AND ADD A NEW § 23104.1 TO ALL OF CHAPTER 23, DIVISION 4, TITLE 22 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO EXPANDING LIMITED EXEMPTIONS FROM PERMITTING REQUIREMENTS FOR SMALL-SCALE, ON-SITE COMPOSTING ACTIVITIES.	5/12/25 10:06 a.m.						

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

**Bill No. 141-38 (COR)**

Introduced by:

Sabina Flores Perez *SFP*  
Chris Barnett *CB*  
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Tina Rose Muña Barnes  
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**AN ACT TO *ADD* A NEW § 51104(h) TO ARTICLE 1, CHAPTER 51, DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, TO *REPEAL* § 23104(d)(5), AND *ADD* A NEW § 23104.1 TO ALL OF CHAPTER 23, DIVISION 4, TITLE 22 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO EXPANDING LIMITED EXEMPTIONS FROM PERMITTING REQUIREMENTS FOR SMALL-SCALE, ON-SITE COMPOSTING ACTIVITIES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that, “when processed correctly (in an “aerobic” or oxygen-filled  
4 environment), organic materials can produce valuable nutrient rich products, such  
5 as compost, suitable for soil enhancement and food cultivation. However, when  
6 intermingled with other waste and disposed in a landfill or dump (an “anaerobic”  
7 environment), organic material can release toxic leachate and generate methane  
8 gas.” Methane gas contributes largely to climate change and leachate poses risks to  
9 the surrounding environment, water sources, and the community at large.  
10 Composting, or the “controlled degradation of organic solid waste,” is suggested as

1 one of the top methods for diverting organic waste away from landfills, with the  
2 additional benefits of creating a potential source of nutrient-rich soil and natural  
3 fertilizer for agricultural production, sequestering carbon, decreasing the need for  
4 chemical fertilizers, pesticides, and irrigation, reducing stormwater runoff, and  
5 reducing erosion.

6 *I Liheslatura* finds that diverting organic waste through composting leads to  
7 various benefits including reducing greenhouse gas emissions from the landfill,  
8 decreasing the harmful public health and environmental impacts from landfilled  
9 organic waste, reducing the costs of solid waste management associated with the  
10 landfill, and reduces the need to expand existing landfill cells and protecting  
11 undeveloped land from future landfill expansion.

12 *I Liheslatura* finds that the Guam 2019 Waste Composition Study notes that  
13 organic waste such as food (26%), paper & paperboard (15%), and yard trimmings  
14 (1%) comprise around forty-two percent (42%) of our island’s total landfilled waste.  
15 However, the Guam Environmental Protection Agency (GEPA) noted that  
16 composting only comprised fourteen percent (14%) of Guam’s waste disposal  
17 pathways in 2017.

18 *I Liheslatura* finds that the GEPA administers grant support for programs  
19 aimed at increasing composting activities throughout Guam, such as the  
20 “Composting In Every Village” initiative, which offers incentives and provides  
21 technical assistance to promote at-home composting. These initiatives are relatively  
22 new and will serve around four hundred (400) households in two (2) years.  
23 Additional support and opportunities are needed to enable composting activities to  
24 thrive throughout Guåhan.

25 *I Liheslatura* finds that the GEPA requires permits and a permit fee of one-  
26 hundred dollars (\$100) for the construction, establishment, or operation of any solid  
27 waste composting facility. The Guam Administration Rules and Regulations only  
28 provides one permitting exemption for ‘composted waste generated from no more

1 than three (3) households for personal use.’ However, there are no permitting  
2 exemptions for other small-scale composting activities.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to divert organic waste  
4 from the landfill by creating greater opportunities for small-scale, decentralized  
5 composting within our community, through the implementation of permitting  
6 exemptions for apartment buildings, farmers, food establishments, retail grocers,  
7 hotels, schools, and officially designated community gardens.

8 **Section 2.** A new § 51104 (h) is hereby *added* to Article 1, Chapter 51,  
9 Division 2, Title 10 Guam Code Annotated to read:

10 “(h) The Administrator is authorized, by regulations promulgated in  
11 accordance with the Administrative Adjudication Law found in Chapter 9, Title 5  
12 Guam Code Annotated, to exempt small-scale composting activities from the  
13 requirements of this Section provided that such exemption would not adversely  
14 affect the environment and would advance the objectives of the Guam Integrated  
15 Solid Waste Management Plan and the Zero Waste Master Plan.”

16 **Section 3.** § 23104(d)(5) of Chapter 23, Division 4, Title 22, Guam  
17 Administrative Rules and Regulations is hereby *repealed*:

18 ~~“(5) Composting waste generated from no more than Three (3) households for~~  
19 ~~personal use is exempted from permit requirements.”~~

20 **Section 4.** A new § 23104.1 is hereby *added* to Chapter 23, Division 4, Title  
21 22, Guam Administrative Rules and Regulations to read:

22 **“§ 23104.1. Exemptions: Small-scale Composting Activities.**

23 (a) For purposes of this Section, the following definitions shall apply:

24 (1) “Community Garden” means collaborative garden projects on  
25 shared open spaces where participants share in the maintenance and products  
26 of the garden, including healthful fresh fruits and vegetables and consists of  
27 less than one half acre of working area; accepts less than 40 cubic yards

1 annually of only yard and landscape compostable materials, clean and  
2 untreated wood chips, or vegetable food wastes.

3 (2) “On-site” means on the same or geographically contiguous  
4 property which may be divided by public or private right-of-way, provided  
5 the entrance and exit between the properties is at a crossroads intersection and  
6 access is by crossing as opposed to going along the right-of-way.  
7 Noncontiguous properties owned by the same person but connected by a right-  
8 of-way which the owner controls and to which the public does not have access  
9 are also considered on-site property.

10 (3) “School” means the same as § 25101(c), Chapter 25, Title 10  
11 Guam Code Annotated.

12 (4) “Small-Scale Composting” means a composting activity that  
13 does not generate compost in excess of the following for any given month:

14 (i) Four (4) cubic yards for residences, apartment buildings,  
15 restaurant, retail grocer, or hotel;

16 (ii) Eight (8) cubic yards for designated community gardens or  
17 schools; or

18 (iii) Ten (10) cubic yards for farms.

19 (5) “Vector” means any rodents, flies, mosquitoes, or other animals  
20 and insects capable of transmitting disease to humans.

21 (b) Except as provided otherwise in this Chapter, the activities listed in this  
22 Section are exempted from permitting requirements set forth in this Chapter.  
23 Nothing in this section precludes the Agency from inspecting an exempted activity  
24 to verify that the activity is being conducted in a manner that qualifies as an  
25 exempted activity or from taking any appropriate enforcement action to ensure the  
26 protection of human health and the environment. The following are exempted  
27 activities:

1           (1) Small-scale, onsite composting from no more than three (3)  
2 households and/or no more than one (1) apartment building for onsite use, not  
3 to exceed four (4) cubic yards of compost within any given month;

4           (2) Small-scale, onsite composting at any formally designated  
5 community garden or school, as defined in this Section, for onsite use, not to  
6 exceed eight (8) cubic yards within any given month;

7           (3) Small-scale, onsite composting by any licensed restaurant, retail  
8 grocer, and hotel for on-site use, not to exceed eight (8) cubic yards of  
9 compost within any given month; or

10           (4) Small-scale, onsite composting generated by farming and  
11 agricultural activities for on-site use, not to exceed ten (10) cubic yards within  
12 any given month;

13           (c) Prohibitions. For the purposes of this Section, it is prohibited to compost,  
14 receive, handle, or store the following:

15                   (1) Hazardous or toxic waste in accordance with 40 CFR Part 261;

16                   (2) Biosolids;

17                   (3) Animal by-products;

18                   (4) Any other non-organic material; and

19                   (5) Other materials determined by the Agency.

20           (d) All handling activities related to this Section shall be conducted in a  
21 manner that prevents the attraction of pests and vectors and minimizes odor impacts,  
22 leachate runoff, and litter, so as to not cause a risk to human health and the  
23 environment.

24           (e) The transport, sale, or giveaway of any composted material is not an  
25 exempted activity pursuant to this Section and shall be subject to permitting  
26 requirements by the Agency.

27           (f) In implementing this Section, the Agency may promote exempted activities  
28 through educational campaigns such as but not limited to community outreach,

1 online advertisements, newsletters, bulletins, and handouts that inform the public  
2 about the exemptions for small-scale composting activities and proper composting  
3 methods.”

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

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