

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
30-38 (COR)	Sabina Flores Perez V. Anthony Ada Chris Barnett Shelly V. Calvo Sabrina Salas Matanane Telo T. Taitague Therese M. Terlaje	AN ACT TO ADD A NEW ARTICLE 11 TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED; AND ADD A NEW § 14104(p) TO CHAPTER 14 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM SOLID WASTE AUTHORITY ISLANDWIDE COLLECTION PLAN.	1/16/25 8:48 a.m.						

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

Bill No. 30-38 (COR)

Introduced by:

Sabina Flores Perez *SFP*
V. Anthony Ada *VA*
Chris Barnett *CB*
Shelly Calvo *SC*
Sabrina Salas Matanane *SM*
Telo T. Taitague *TT*
Therese M. Terlaje *TMT*

AN ACT TO *ADD* A NEW ARTICLE 11 TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED; AND *ADD* A NEW § 14104(p) TO CHAPTER 14 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM SOLID WASTE AUTHORITY ISLANDWIDE COLLECTION PLAN.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the two main goals of Bill No. 165-37 (COR) are (1) reduction of litter in the
4 environment and (2) avoidance of a significant rate increase for the Guam Solid
5 Waste Authority's (GSWA) customers. GSWA's three main functions are (1)
6 operation of a US EPA sanitary landfill, (2) collection of municipal solid waste from
7 the community and (3) diversion of recyclables from the landfill.

8 *I Liheslaturan Guåhan* further finds that three things can happen to municipal
9 solid waste over its lifespan: (1) it could end up in the landfill, (2) certain things can
10 be recycled or composted, or (3) it can end up as litter and discarded in the
11 environment on roadsides, jungles or in the ocean. Some of the litter may be cleaned
12 up by volunteers and eventually end up in the landfill.

1 *I Liheslaturan Guåhan* further finds that according to GSWA, there are
2 approximately 40,000 households on Guam that are eligible for garbage collection
3 services yet roughly half of these households are not subscribers of GSWA services.
4 Research presented by GSWA at hearings on Bill No. 165-37 COR, a little more
5 than one-fourth or 11,000 households are on public assistance.

6 In most cities and states throughout the country, the program-based
7 qualifications for lower-income households are those who are eligible to receive any
8 of the following:

- 9 (1) Supplemental Nutrition Assistance Program (SNAP) or food stamps;
10 Medicaid;
- 11 (2) Supplemental Security Income (SSI) benefits;
- 12 (3) Special Supplemental Nutrition Program for Women, Infants, and
13 Children (WIC) benefits;
- 14 (4) Participate in the National School Lunch Program or the School Breakfast
15 Program;
- 16 (5) Is enrolled in a school that offers free breakfast or lunch through the USDA
17 Community Eligibility Provision (CEP); or
- 18 (6) Received a Federal Pell Grant during the current award year.

19 *I Liheslaturan Guåhan* further finds that according to GSWA's plans to
20 implement Universal or Island-wide Garbage collection, that rates for regular
21 individual customers will drop from \$30.00 per month to \$27.00 per month, while
22 rates for low-income customers will be established at \$15.00 per month beginning
23 in April of 2025.

24 *I Liheslaturan Guåhan* further finds that without a Universal Garbage
25 Collection mandate, the GSWA's existing subscriber will see a \$5.00/month
26 increase in 2025, an additional increase of \$3.00 in 2026 and a \$4.00 increase in
27 2027. In three years, residential rates will go from \$30/month to \$42/month. Rates
28 for dropping garbage at the transfer stations are expected to double. These fees are

1 used to cover the cost of collection, operation of the landfill and separation of certain
2 recyclables from the waste stream.

3 It is the intent of *I Liheslaturan Guåhan* to implement an islandwide garbage
4 collection program that (1) averts residential rate increases, (2) lowers rates for
5 residential subscribers (3) creates substantially lower rates for low income
6 households and (4) creates the framework to lower rates even further with external
7 subsidies.

8 **Section 2.** A new Article 11 is *added* to Chapter 51A of Title 10, Guam
9 Code Annotated, to read as follows:

10 **“ARTICLE 11**

11 **ISLANDWIDE GARBAGE COLLECTION**

12 § 51A1101. Purpose.

13 § 51A1102. Islandwide Collection Plan Goals.

14 § 51A1103. Subscription for, and Mandatory Provision for, Garbage
15 Collection Services.

16 § 51A1104. Exemptions.

17 § 51A1105. Penalties for Failure to Subscribe.

18 § 51A1106. GSWA Subsidy-Low-Income Customer Assistance
19 (LICA) Rate.

20 § 51A1107. External Subsidies

21 § 51A1108. Disclosure on Billings

22 **§ 51A1101. Purpose.**

23 *I Liheslaturan Guåhan* finds that if all of Guam’s residents subscribe to
24 GSWA garbage collection services, the economies of scale will result in lower rates
25 per subscriber and simultaneously ensure that every resident’s garbage will be
26 collected and properly disposed of. The implementation of islandwide collection
27 would greatly mitigate the financial and logistical challenges posed by
28 “piggybacking” and illegal dumping. Islandwide collection services for Guam would

1 also parallel the initiatives of other domestic and international jurisdictions that have
2 instituted mandatory garbage collection services. Such implementation would
3 include a Customer Assistance Program to financially support the costs of services
4 for eligible community members. Ultimately, the implementation of islandwide
5 collection services on Guam would mirror domestic and international initiatives
6 determined to increase the efficiency of garbage collection services, prevent the
7 detrimental financial consequences of “piggybacking,” and reduce illegal dumping.
8 Therefore, it is the intent of *I Liheslaturan Guåhan* to implement an Islandwide
9 Collection Plan that will be administered by the Guam Solid Waste Authority.

10 **§ 51A1102. Islandwide Collection Plan Goals.**

11 The goals and objectives of the Islandwide Collection Plan include:

12 (a) municipal garbage collection for all residential buildings
13 comprised of four (4) units or less;

14 (b) collection of unwanted appliances, electronics, and most
15 types of batteries;

16 (c) integration of public and private garbage collection
17 services;

18 (d) reduction in tipping fees and disposal fees for old
19 electronics and batteries; and

20 (e) reduction of littering and dumping violations.

21 **§ 51A1103. Subscription for, and Mandatory Provision of, Garbage**
22 **Collection Services.**

23 All owners of residential buildings shall subscribe to and obtain public
24 or private garbage collection services, except as provided in § 51A1104 of
25 this Article, under the following conditions:

26 (a) Applicants for new service and existing customers of the
27 Guam Waterworks Authority (GWA) shall be enrolled in garbage
28 collection services with the Guam Solid Waste Authority (GSWA) or a

1 private hauler. GWA shall provide any GSWA forms or applications to
2 implement this Section, and provide the applicant's enrollment forms
3 to GSWA. The applicant shall be solely responsible for establishing
4 solid waste collection services.

5 (b) The subscribed owner shall pay for garbage
6 collection services rendered to their occupied residential
7 building.

8 Nothing in this Section is intended to prevent an arrangement, or the
9 continuance of an existing arrangement, under which payments for garbage
10 collection services are made by a lessee, or lessee's agent, on behalf of the
11 owner; however, any such arrangement shall not affect the owner's obligation
12 to ensure subscription for garbage collection services and the associated
13 payment for such services, or for any customer assistance or lifeline rate
14 programs created and operated by or managed by the Authority.

15 **§ 51A1104. Exemptions.**

16 GSWA shall exempt from the requirements of § 51A1103 of this
17 Article any owner who shows, and only so long as the owner can continue to
18 show:

19 (a) the owner of a residential building comprised of four (4)
20 units or less, or other qualifying building, may forgo subscription if
21 the lessee is obligated, by the lease contract, to subscribe for garbage
22 collection services;

23 (b) if the building with a valid occupancy permit is vacant;

24 (c) if the building is occupied but not expected to generate
25 any form of municipal solid waste;

26 (d) if there is a contract for weekly collection services with a
27 permitted private collection hauler; or

1 (e) if the owner or lessee of a residential building registers
2 with GSWA as a self-hauler and utilizes the Residential Transfer
3 Stations.

4 Any owner who meets the requirements of this Section may petition the
5 GSWA for an exemption. The exemption eligibility shall be renewed annually
6 from the date the initial exemption is granted.

7 **§ 51A1105. Penalties for Failure to Subscribe.**

8 Penalties for failure to subscribe, failure to pay tipping fees, late
9 payment fees and any other fees, shall be established by the Guam Solid Waste
10 Authority Board of Directors pursuant to Chapter 9, Title 5, Guam Code
11 Annotated, and in conjunction with the tipping fees established by § 51A301
12 of this Chapter.

13 **§ 51A1106. GSWA Subsidy-Low-Income Customer Assistance (LICA)**

14 **Rate.**

15 (a) GSWA shall establish a Low-Income Customer Assistance (LICA)
16 Rates for low-income subscribers. Individuals who are eligible and receiving
17 assistance through any one (1) of the following are eligible for customer
18 assistance rates:

19 (1) Supplemental Nutrition Assistance Program (SNAP) or food
20 stamps;

21 (2) Medicaid;

22 (3) Special Supplemental Nutrition Program for Women, Infants, and
23 Children (WIC) benefits;

24 (4) Participate in the National School Lunch Program or the School
25 Breakfast Program;

26 (5) Is enrolled in a school that offers free breakfast or lunch through
27 the USDA Community Eligibility Provision (CEP); or

28 (6) Received a Federal Pell Grant during the current award year.

1 (b) The LICA rates shall be 50% of the residential customer rate but
2 shall not be less than Fifteen Dollars (\$15.00) per month in the event that the
3 residential customer rate drops below Thirty Dollars (\$30.00) per month.

4 **§ 51A1107. External Subsidies**

5 GSWA may at any time receive subsidies from legislative
6 appropriations or federal grants. Subsidies shall be used pursuant to the
7 appropriation or grant language. Unless otherwise stated in the appropriation
8 law or terms of the grant, funds appropriated or granted for residential
9 customer rate subsidies shall be applied equally and exclusively to LICA rate
10 customer billings until the funds are exhausted.

11 **§ 51A1108. Disclosure on Billings**

12 All residential customer billings shall disclose the following:

13 (a) The regular residential rate;

14 (b) The GSWA subsidy (the difference between regular rate and the LICA
15 rate); and

16 (c) Any external subsidies to include but are not limited, General Fund
17 Appropriations or Federal grants in aid.”

18 **Section 3.** A new § 14104(p) is *added* to Article 1 of Chapter 14, Title 12,
19 Guam Code Annotated, to read as follows:

20 “(p) The Guam Waterworks Authority shall share customer information
21 with the Guam Solid Waste Authority as necessary to be used for establishing solid
22 waste collection services. The Guam Waterworks Authority shall not be held liable
23 for any damages or disputes resulting from the sharing of customer information.”

24 **Section 4. Revision of Rates and Fees.** GSWA shall review and revise
25 rates as needed to account for the implementation of Section 2 of this Act.

26 **Section 5. Promulgation of Rules and Regulations.** GSWA shall revise
27 its administrative rules and regulations to comply with the mandates of Chapter 51A,
28 Title 10, Guam Code Annotated, pursuant to Chapter 9 of Title 5, Guam Code

1 Annotated, and Chapter 51A of Title 10, Guam Code Annotated, within one hundred
2 eighty (180) days of enactment of this Act. The default approval provisions of 5
3 GCA, Chapter 9, Article 3, § 9303(c) shall not apply to this Act.

4 **Section 6. Implementation.** The Islandwide Collection Plan set forth in
5 Section 2 of this Act shall be implemented after *I Liheslaturan Guåhan's* approval
6 and adoption of rules and regulations promulgated herein.

7 **Section 7. Effective Date.** The Act shall be effective upon enactment.