Outlook

Re: Messages & Communications Doc. No. 38GL-26-3190.

From Guam Legislature Clerks <clerks@guamlegislature.gov>
Date Fri 11/6/2026 4:02 PM
To 38th Committee On Rules <committeeonrules@guamlegislature.gov>

Håfa Adai,
Received, and thank you.

Elijah Untalan
Clerks Office
I Mina'trentai Ocho na Liheslaturan Guåhan
Guam Congress Building, 163 Chalan Santo Papa, *Hagåtña*, Guam 96910
Voice: (671) 472-3465/3460 Fax: (671) 472-3524
guamlegislature.gov

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From: 38th Committee On Rules <committeeonrules@guamlegislature.gov>
Sent: Friday, November 6, 2026 3:56 PM
To: Guam Legislature Clerks <clerks@guamlegislature.gov>
Cc: Frank Blas Jr. <speakerblas@guamlegislature.gov>
Subject: Messages & Communications Doc. No. 38GL-26-3190.

Håfa Adai Clerks Office,
Please see attached, **Messages & Communications Doc. No. 38GL-26-3190** for processing:

√	**38GL-26-3190**	Guam Solid Waste Authority	This is a Transmittal to I Liheslaturan Guahan of Proposed Rules and Regulations Pursuant to the Administrative Adjudication Law for the Purpose of Implementing the Islandwide Garbage Collection and Establishing a Customer Assistance Program.

Kindly reply to this email.

Si Yu'os ma'åse',
Marie Crisostomo
Committee on Rules Assistant
COMMITTEE ON RULES
Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

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Messages and Communications 38GL-26-3190.

2 messages

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov> Fri, Nov 6, 2026 at 1:52 PM
To: 38th Committee On Rules <committeeonrules@guamlegislature.gov>, Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Håfa adai,

Please see attached M&C Doc. No. 38GL-26-3190

38GL-26-3190	Guam Solid Waste Authority	This is a Transmittal to I Liheslaturan Guahan of Proposed Rules and Regulations Pursuant to the Administrative Adjudication Law for the Purpose of Implementing the Islandwide Garbage Collection and Establishing a Customer Assistance Program.

Si Yu'os Ma'åse'

Bernice Rivera

Administrative Assistant

Office of Speaker Frank F. Blas, Jr.

I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagatña

(671)969-6456
speakerblas@guamlegislature.gov

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38GL-26-3190.pdf
23455K

38th Committee On Rules <committeeonrules@guamlegislature.gov> Fri, Nov 6, 2026 at 3:38 PM
To: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>

Håfa Adai,

Received, and thank you.

Si Yu'os ma'åse',

Kamarin J. A. Nelson

Committee on Rules Director

COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

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[Quoted text hidden]

GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lt. Governor of Guam

IRVIN L. SLIKE
General Manager

38GL-26-3190
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.
NOV 06 2026
Time: 10:03 am
Received:

November 6, 2026

Honorable Frank F. Blas Jr.
Speaker
38th Guam Legislature
163 Chalan Santo Papa
Hagatna, Guam 96910

SUBJECT: This is a Transmittal to I Liheslaturan Guåhan of Proposed Rules and Regulations pursuant to the Administrative Adjudication Law.

Hafa adai Honorable Speaker Blas,

Pursuant to 5 GCA Chapter 9 § 9303, the Guam Solid Waste Authority (GSWA) respectfully transmits its proposed revised Rules and Regulations, as approved by I Maga'håga as to policy and by the Office of the Attorney General as to constitutionality, compliance with the Administrative Adjudication Law.

GSWA submits the following documents for filing with I Liheslaturan Guåhan:

- One (1) printed copy of the proposed revised Rules and Regulations;
- Identical electronic copies in PDF and Word formats of the proposed revised Rules and Regulations in a flash drive;
- One (1) printed copy and an identical electronic PDF copy of the complete agency record, including:
  - Notice of Public Hearing and documentation of public availability of the proposed rules;
  - Public Hearing Transcript;
  - Board resolution approving the proposed rules and regulations;
  - Certification of Agency Record and compliance with the applicable requirements of the Administrative Adjudication Law; and
  - Economic Impact Statement applicability analysis.
- Written approval of I Maga'håga.
- Written approval of the Office of the Attorney General.

GSWA respectfully submits the proposed rules and regulations and accompanying agency record for consideration by I Liheslaturan Guåhan in accordance with the Administrative Adjudication Law.

Should you have any questions, please contact our office at admin@gswa.guam.gov.

Sincerely,

IRVIN L. SLIKE
GSWA General Manager

38GL-26-3190
Messages and Communications
RECEIVED
COMMITTEE ON RULES
November 6, 2026
1:52 p.m.
Marie Crisostomo

542 N. Marine Corps Drive, Tamuning, GU 96913 * Tel: 671-646-3111 | Fax: 671-649-3777
https://www.guamsolidwasteauthority.com/

GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lt. Governor of Guam

IRVIN L. SLIKE
General Manager

CERTIFICATION OF AGENCY RECORD

ADMINISTRATIVE ADJUDICATION COMPLIANCE CHECKLIST
Administrative Adjudication Law – 5 GCA Chapter 9

Description: Proposed Revised Rules and Regulations for Island-Wide Collection

- [x] 1. One (1) printed and one (1) identical electronic PDF copy of the proposed rules
- [x] 2. Notice of Public Hearing
- [x] 3. Proof of Public Availability of Proposed Rules / Website Posting
- [x] 4. Economic Impact Statement / EIS Applicability Analysis
- [x] 5. Public Hearing Transcript
- [N/A] 6. Written Public Comments, Testimony, Data, Views, and Supporting Documents
- [N/A] 7. Documentation of Agency Review and Consideration of Public Comments
- [x] 8. Board Minutes and/or Resolution Showing Approval of Proposed Rules and Regulations

CERTIFICATION: I hereby certify that the agency record identified above has been reviewed and, to the best of my knowledge, is complete and complies with the applicable requirements of the Administrative Adjudication Law (AAL), 5 G.C.A. § 9303.

Printed Name: IRVIN L. SLIKE

Title: GENERAL MANAGER

Signature:

Date: 10/29/2026

546 N. Marine Corps Drive, Tamuning, GU 96913 | Tel: 671-646-3111 | Fax: 671-649-3777
https://www.guamsolidwasteauthority.com

GUAM SOLID WASTE AUTHORITY

ISLANDWIDE COLLECTION

RULES AND REGULATIONS

These Administrative Rules & Regulations are promulgated under the enabling authority of Guam Solid Waste Authority, Title 10 GCA, Chapter 51A, Sections 51A1105 and 51A1106 and the Administrative Adjudication Law, Title 5 GCA, Chapter 9, Article 3, Adopted by the Guam Solid Waste Authority Board of Directors on _____.

Section 1. Purpose. These Rules and Regulations are adopted pursuant to 10 GCA §§ 51A1105 and 51A1106 for the purpose of implementing the Islandwide Garbage Collection and establishing a Customer Assistance Program.

Section 2. A new subsection (d) is hereby *added* to § 5103 of Article 1 of Chapter 5 of Title 28 of the Guam Administrative Rules and Regulations to read:

"(d) to establish islandwide solid waste collection services to achieve: lower rates and long-term financial stability through economies of scale, proper collection and disposal of residential solid waste, and comprehensive service coverage across Guam to reduce illegal dumping."

Section 3. § 5104 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5104. Responsibility.

All municipal solid waste shall be ultimately ~~finally~~ disposed of at the Layon Landfill, which is a Subtitle D Landfill~~-Title Landfill, with tis operations and management outsourced to a private operator~~. GSWA may operate and manage the landfill directly or outsource its operations and management to a private operator. The private operator shall be responsible for obtaining all permits and monitoring of the Landfill site. The Layon Landfill shall not be open to the general public. Only waste deemed acceptable waste under the Layon Landfill's operating permit shall be disposed of at the Landfill."

Section 4. § 5105 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5105. Schedule of Rates and Charges.

All rates and charges are available ~~free of charge at the Guam Solid Waste Authority ("GSWA") on a "Schedule of Rates and Charges" form. A Schedule of Rates and Charges shall be publicized~~ on the GSWA website."

Section 5. § 5106 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5106. Collection of Solid Wastes.

(a) ~~GWSA~~ GSWA provides for the collection of solid waste from single or multi-family residences with four (4) or less units.

(b) Collection and Transport Assignments. GSWA services all nineteen (19) villages on Guam. Service includes ~~trash~~ solid waste and recyclables collection as well as bulky waste collection for residential contracted customers. GSWA does not collect from commercial or industrial businesses.

(c) Right to Transport Own Residential Waste. Any person may petition GSWA to transport residential solid waste acceptable for disposal to any of GSWA's residential ~~trash~~ transfer stations.

(d) Collection Intervals; Emergency Modification. All single and multi-family residential solid wastes, other than bulky ~~rubbish~~ waste and recyclables, shall be collected at least once weekly. Upon a declaration of emergency by the GSWA Manager or Governor of Guam, GSWA may modify, suspend, or otherwise adjust the times, days, or frequency of collection to the extent necessary to respond to the emergency. Normal collection schedules shall resume as soon as conditions reasonably permit, and GSWA shall provide notice of any change in collection and of the resumption of normal service by reasonable means available under the circumstances.

(e) Point of Collection-Single/Multi-Family. GSWA designates the point of collection at the time the customer signs up for service.

(f) Cart Placement on Curb. Carts should be placed at point of collection the night before their service day.

(g) Grading, Demolition and Construction Wastes. GSWA accepts special solid waste at the Layon Landfill. Generators of other construction or demolition wastes not listed as special solid waste are required to use properly permitted private commercial haulers; provided, however, that during a declared emergency or emergency period, GSWA may accept construction or demolition wastes not listed as special solid waste at the Layon Landfill. ~~GSWA will not accept such waste at the Layon Landfill. Generators of such waste will be referred to properly permitted private commercial haulers.~~"

Section 6. § 5107 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5107. Definitions

(a) *Bulky waste* means appliances, mattresses, hot water heaters, and other bulky and metallic waste, furniture and appliances.

(b) *Cart* means a container provided by GSWA designed for storage of waste and/or recyclable material.

(c)*Collection Service* means the removal and transportation of solid waste from residential facilities with four (4) or less units to designated disposal facilities.

(d) *Customer means* any person or entity receiving collection services from GSWA.

(e) *Declaration of emergency* means any declaration, proclamation, or executive order of a state of emergency, state of disaster, public health emergency, or condition of readiness issued by the Governor of Guam, and includes any modification, extension, or termination thereof.

(f)*Dwelling* means a building or portion thereof designed exclusively for residential occupancy.

(g) *Emergency period* means the period beginning when a declaration of emergency is issued, or when the Manager reasonably determines that an emergency is imminent, and ending when the Manager determines that normal operations have resumed following the termination of the declaration.

(h) *Essential personnel* means those GSWA employees designated by the Manager pursuant to § 5603 as necessary to provide essential services before, during, or after an emergency period.

(i) *Government* means the government of Guam, all of its agencies, whether line or autonomous, and all public corporations.

(j) *Grading, demolition and construction waste* means waste materials generated from the grading of land or the construction, remodeling, or destruction of structures.

(k) *Green waste* means grass clippings, leaves, weeds, and pruned branches.

(l) *GSWA* means the Guam Solid Waste Authority.

(m) *Hauler-only transfer stations* mean the facility where permitted commercial haulers and government agencies are allowed to bring their waste after they have established an account with GSWA.

(n) *Hazardous Household Waste* means products used in the home, garden, garage, and hobby shops with hazardous characteristics such as poisonous, combustible, flammable, or corrosive

(o) *Household* means a residential dwelling unit occupied by one or more persons.

(p) *Low-Income Household* means a household meeting federal poverty guidelines or eligible for federal assistance programs.

(q) *Manager* means the General Manager of Guam Solid Waste Authority or his/her designated representative

(r) *Mandatory Collection Service means* the required participation in GSWA collection services.

(s) *Multi-family dwelling* means a building, or portion thereof, used and/or designed as a residence for no more than four (4) independent dwelling units.

(t) *Occupant* means any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit, or of any other improved real property, either as owner or as a tenant.

(u) *Residential Transfer Station* means the facilities where only residents can bring their permitted waste.

(v) *Single family* residence means a detached building designed for and/or occupied exclusively by one (1) family.

(w) *Solid Waste* means ~~garbage,~~ unwanted or discarded waste materials in a solid or semi-solid state ~~waste~~.

(x) *Solid waste management* means the purposeful, systematic control of the generation, storage, collection, transportation, separation, processing and disposal of solid wastes.

(y) *Special solid waste or special collection* means solid waste, including but not limited to tires, grading, demolition and construction waste, batteries, air conditioners, cars, treated infectious waste, dead animals and offal, sewage sludge, asbestos waste and medical waste that requires special handling and separate fees as designated by the GSWA Manager and in compliance with Book 7 of the Layon Landfill Operating Permit, all local permit requirements, state, and Federal laws and regulations.

(z) *Subscriber* means a customer enrolled in GSWA collection services."

Section 7. § 5201 of Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5201. Registration and Carts.

(a) Registration. ~~Residents~~ All eligible owners or lessees who are obligated under a lease of a ~~singlenfamily~~ single-family residence or multi-family dwelling, as defined herein, are required to ~~may~~ register for collection service with GSWA or subscribe to private garbage collection services. Applicants for new service, including existing customers of the Guam Waterworks Authority (GWA), shall be enrolled with GSWA. Applicants, including those seeking an exemption, shall enroll with GSWA by submitting a completed GSWA registration form, paying in full any balance from a previous account, and providing proof of residency (rental lease, title or deed, power/water bills) along with valid identification (driver's license, passport, or government of Guam issued identification card). ~~by submitting a completed GSWA registration form, paying in full any balance from a previous account and providing proof of residency (rental lease, title or deed, power/water bills) and a valid identification (driver's license, passport, or government of Guam issued identification card).~~

(1) Customers are required to draw or verify as detailed a map as possible of the location of their residence.

(2) Each new or returning customer will be provided ~~written~~ information as to how to properly participate in GSWA's collection service.

(3) ~~Customers will also be provided a large colored paper with a number on it to guide the collection crew to the location at which the carts will be delivered.~~ Upon delivering the carts, the location will be recorded using the Global Position Satellite (GPS~~W~~) coordinates. Customers may obtain a second cart for an additional cost.

(b) Coordination with Guam Waterworks Authority. GWA shall provide applicants with GSWA registration forms and submit completed forms to GSWA for processing. The applicant is solely responsible for establishing services for their residential property.

(c) Customers who qualify for financial assistance may apply under the Customer Assistance Program described in § 5204.

(d) Exemptions. Owners may annually petition GSWA for an exemption to the requirements of 10 GCA § 51A1103 by completing a GSWA Exemption Application Form and submitting all required supporting documentation, as long as:

(1) The owner provides a valid lease agreement showing that the lessee/tenant is obligated under the lease to subscribe for collection service, and the exemption shall remain in effect only so long as the lease remains valid and in force. However, any such arrangement shall

not affect the owner's obligation to ensure subscription for garbage collection services and the associated payment for such services;

(2) The building with a valid occupancy permit is vacant;

(3) The building is occupied but not expected to generate any form of municipal solid waste;

(4) There is a contract for weekly collection services with a permitted private collection hauler; or

(5) The owner or lessee of a residential building registers with GSWA as a self-hauler and utilizes the Residential Transfer Stations.

(e) Carts. GSWA shall provide carts to customers occupying single-family residences and multi-family ~~s~~dwelling, as defined herein, upon setting up an account with GSWA.

(f) Waste in Excess of Cart Capacity. If customers have ~~trash~~ solid waste exceeding cart capacity, it must be placed in trash bags and tagged with a GSWA excess trash tag. Upon registering for service with GSWA, customers will receive four (4) excess trash tags. Additional tags may be purchased from GSWA. Bagged ~~trash~~ solid waste without a tag will not be collected.

(g) Residential Transfer Stations. Customers who petition GSWA and are approved for self-hauling may transport their permitted municipal solid waste to residential transfer stations.

(1) All permitted loads received shall be assessed with the appropriate rates as approved by the Public Utilities Commission.

(2) Customers shall present their GSWA account information at the time of disposal to ensure that GSWA properly records their compliance with Public Law 38-39.

(3) GSWA may determine what can be dropped at Transfer Station

(h) Bulky Waste. Subscribers with accounts in good standing may receive up to two (2) free permissible bulky waste services each calendar year, which may be scheduled curbside collections. ~~Residential customers with accounts in good standing may receive up to two (2) free bulky waste collections each calendar year.~~

(1) Bulky waste collection shall be made by appointment only by ~~calling the GSWA Customer Call Center~~ contacting GSWA Customer Service.

(2) Bulky waste scheduled for collection shall be placed at the curb in the same general vicinity where they put their carts out for collection unless explicitly permitted by the customer to access their property.

(A) Customers are allowed to place up to five (5) bulky items at the curb for each scheduled collection.

(B) Any additional collections in excess of the two (2) allowed herein shall be made for an additional cost as assessed by GSWA.

(3) Non-GSWA customers may also make an appointment for bulky waste collection or self-haul to residential transfer stations as long as they are located in a residential unit and pay the assessed collection fee.

(i) Grading, Demolition, and Construction Waste. Construction and demolition waste are not permitted at the Layon Landfill, except during an emergency period or a declaration of emergency, when GSWA may accept such waste. GSWA will refer generators of this type of waste to permitted facilities

(j) Recyclables. If requested, a separate recycling cart will be delivered at no additional cost, which will be collected ~~twice~~ at least once per month unless otherwise modified by GSWA and transported to a permitted recycling processor. These carts will be collected on the same day as the customers' trash carts are collected.

(k) Responsibilities at Point of Collection. Collection crew shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle, provided that the solid waste was stored in compliance with these rules and regulations.

(1) Any spillage or displaced solid waste occurring prior to the arrival of the solid waste collectors at the point of collection shall be the responsibility of the customer.

(2) Any spillage or displaced litter caused as a result of the duties of the solid waste collectors shall be collected and placed in the transportation vehicle by the solid waste collectors.

(3) Any solid waste collected shall, upon being loaded into transportation equipment, become the property of the collector.

(A) Solid waste collectors shall not be required to reach into solid waste containers to remove contents.

(B) Authorized containers emptied by solid waste collectors shall be returned to the point of collection."

Section 8. § 5203 of Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"Section 5203. Residential Tipping Fees and Delinquent Accounts.

(a) Tipping fees shall be set pursuant to 10 GCA §§ ~~51A104(d) and~~ 51A301.

(b) During the first week of each month, GSWA will invoice~~bills~~ for the most recent previous month of service.

(c) All bills are due and payable upon presentation. Payment should be made at financial institutions designated by the GSWA, to authorized representatives or agents, as well as other utility/government agencies specified by GSWA, or through GSWA's online bill pay system.

(d) After thirty (30) days from the billing date, any unpaid balance shall be considered late and shall result in a reminder call to the customer.

(e) Accounts with any unpaid balance after sixty (60) days from the billing date shall be provided written notice notifying customers that GSWA shall pursue all available legal remedies to collect the unpaid balance ~~service shall be discontinued~~ unless the accounts are brought current within thirty (30) days of the date of said written notice. If accounts are not brought current or a payment extension has not been arranged within the thirty-day written notice, GSWA shall pursue all available legal remedies to collect the unpaid balance, including referral of the account to a collection agency, civil action, and recovery of costs of collection as permitted by law including attorney's fees~~the carts shall be removed from the customer's location.~~

~~(f) Restoration of service following collection of the account.~~

~~(1) Whenever any delinquent customer, whose service has been discontinued pays the sum due plus pre-payment of an additional month of service.~~

~~(2) and a reinstatement fee, service shall be restored and collection will occur at the next regularly scheduled pick up date.~~

~~(3) Delinquent customers shall be responsible for any reasonable collection costs incurred by GSWA.~~

~~(g) Restoration of service following collection of the account by a collection agency. In the event GSWA refers a delinquent account to a collection agency, service shall be restored upon payment of the total sum due, one month's tipping fee and a reinstatement fee.~~

(f) Unrecovered or unrepairable carts. Customers shall be responsible for the cost of a new cart in cases where the cart is deemed ~~to replace any~~ unrecovered or unrepairable due to negligence. ~~e~~Carts damaged as a result of normal wear and tear will not incur charges for replacement. ~~issued to them before service may be restored.~~

(g) Under certain circumstances, customers may seek a reduction in the amount of tipping fees owed. Customers who can show that they have had their service missed substantially during any given month may request a meeting with the GSWA Manager or designated representative to seek a reduction in charges.

(h) Nonprofit 501(c) organizations, as defined by the U.S. Internal Revenue Code, seeking to perform community-wide cleanups on public property on a non-regular basis may seek from the GSWA Manager or designated representative, a reduction or elimination of the tipping fees for specified containers or hauling vehicles.

(i) ~~Insufficient funds (NSF)~~ checks. GSWA shall be allowed to recover a fee as set forth in the Schedule of Rates and Charges for each instance where a customer tenders payment for GSWA service with an insufficient funds check.

(1) When the GSWA is notified by the customer's bank that there are insufficient funds to cover the check tendered for GSWA service, GSWA shall make a diligent effort to contact the customer, either in person or by telephone, to inform the customer of the inadequate payment. GSWA may, at its discretion, require the customer to make payment in cash, money order, certified check, or other means that guarantee the customer's payment to GSWA.

(2) A customer who tenders an insufficient check shall in no way be relieved of the obligation to render payment to GSWA under the original terms of the bill, nor defer GSWA's provision for termination of service for nonpayment of bills.

(3) When a customer tenders an insufficient check and does not clear the check after being notified by GSWA, GSWA shall debit the account for the written amount plus a service charge as set forth in the Schedule of Rates and Charges.

(j) Residential customers may pay their bills with credit cards but may be assessed the fee charged by credit card companies.

(k) Non-permissible reason to deny or terminate service.

(1) GSWA may not deny or terminate service for delinquency in payment for services rendered to a prior customer at the premises where service is being provided,

(A) except if it can be determined that there is intent between the parties to circumvent the provisions of these rules and regulations

(B) and where the prior customer continues to reside on the premises.

(2) The account holder shall be held responsible for all fees associated with the service.

(l) The customer shall be responsible to keep GSWA informed of~~: the customer's most recent billing address.~~

(1) Any bill which is not paid on or before the specified due date after presentation or deposit in the United States Mail shall be deemed delinquent and collection service shall be subject to the provisions of GSWA's discontinuation of service as set forth herein.

(2) Failure to receive bills or notices which have been properly placed in the United States Mail shall not prevent such bills from becoming delinquent nor relieve the customer of his obligations therein.

(3) Charges for service commence when the customer signs up for collection service, whether used or not."

Section 9. § 5204 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5204. Customer Assistance Program**.

(a) Residential customers may be eligible for the Customer Assistance Program if they meet at least one of the following criteria:

(1) The customer is eligible or receiving Supplemental Nutrition Assistance Program (SNAP/food stamps);

(2) The customer is eligible or receiving Medicaid;

(3) The customer is eligible or receiving Supplemental Security Income (SSI) or

(4) The customer is eligible or receiving Special Supplemental Nutrition Program for the Women, Infants, and Children (WIC) Program.

(b) Eligible customers shall complete a GSWA Customer Assistance Application form and submit it along with acceptable proof of eligibility, such as a current benefit letter, award notice, or other official documentation verifying participation in one (1) of the qualifying programs listed.

(c) Customers who participate in the Customer Assistance Program shall be subject to annual renewal and shall provide proof of continued eligibility at the time of renewal.

(d) Legislative appropriation, grants, or other external subsidies shall fund the Customer Assistance Program. GSWA revenues shall not be used to fund this program unless specifically approved by the Public Utilities Commission (PUC). Funding shall be distributed equally among all program participants until such funds are exhausted."

Section 10. § 5205 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5205 Prohibitions**

The owner and occupant of property are each responsible for ensuring that solid waste on the property is stored and set out for collection in compliance with the Rules and Regulations. A person must not:

(a) Remove solid waste from one property and deposit it on another property;
(b) Place solid waste from one property into any container that belongs to the owner or occupant of another property or has been issued for the use of the occupants of another property;

(c) Set out solid waste for collection from a property unless the solid waste originates from that property;

(d) Place any solid waste that has not been designated as recyclable into a container designated as eligible exclusively for recyclable waste, or place waste that has not been designated as compostable waste into a container designated as eligible exclusively for compostable waste;

(e) Place any solid waste designated as special waste or non-collectible waste into a container designated as eligible exclusively for garbage;

(f) Scavenge, pick through, or remove solid waste that is located at a solid waste disposal site without the authorization of the General Manager;

(g) Scavenge, pick through or remove solid waste that is placed in the street in an eligible container for collection unless he or she is the owner or occupant of the property with respect to which the container has been issued, or who has the permission of the owner or occupant of the property on which the solid waste is located;

(h) Place solid waste in a street for collection in a manner or in a location that poses a hazard."

Section 11. § 5206 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5206. Penalty**

"(a) All persons subject to the subscription requirements set forth in 10 GCA § 51A1103 shall promptly and fully comply with such requirements in accordance with applicable law. Failure to subscribe as required shall constitute a violation of 10 GCA § 51A1103.

(b) Failure to subscribe in violation of 10 GCA § 51A1103 shall be subject to a cumulative penalty of fifty dollars ($50.00) per month, accruing from the date subscription was required until the date of compliance.

(c) For purposes of calculating the cumulative penalty, a partial month shall be treated as a full month. The penalty shall begin to accrue on the first day following the date subscription was required and shall continue to accrue through and including the date of full compliance.

(d) Written notice shall be provided to any person found to be in violation of the subscription requirements. Such notice shall specify: (i) the nature of the violation; (ii) the date subscription was required; (iii) the amount of penalty accrued as of the date of the notice; and (iv) instructions for achieving compliance.

(e) Penalties shall be paid by check, money order, or electronic funds transfer to the Guam Solid Waste Authority as specified in the notice of non-compliance.

(f) The General Manager may waive or reduce penalties upon a showing that: (i) the violation resulted from circumstances beyond the customer's control; (ii) the customer made good faith efforts to comply; or (iii) payment would cause undue hardship.

Section 12. § 5207 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5207. Appeals Process**

Any customer assessed a penalty may appeal in accordance with the Administrative Adjudication Act."

Section 13. § 5302 of Article 3, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:is hereby *amended* to read:

"§ 5302. Commercial Tipping Fees and Delinquent Accounts.

(a) Tipping fees shall be set pursuant to 10 GCA §§ 51A104(d) and 51A301.

(b) During the first week of each month, GSWA will invoice~~bills~~ for the most recent previous month of service.

(c) All bills are due and payable upon presentation.

(1) Payment should be made at financial institutions designated by the GSWA, to an authorized representative or agent, as well as other utility/government agencies specified by GSWA.

(2) Designated financial institutions and authorized representatives or agents shall be listed on customer billings and the GSWA website.

(d) After ~~thirty (30)~~ sixty (60) days from the billing date, any unpaid balance shall be considered late and shall result in a reminder call to the customer.

(e) Accounts with any unpaid balance after sixty (60) days from the billing date shall be provided written notice notifying customers that service shall be discontinued unless the accounts are brought current or a payment extension has been arranged within thirty (30) days of the date of said written notice.

(1) ~~If accounts are not brought current within the thirty-day written notice, the account will enter a thirty (30) day termination period~~.

~~(2)~~ At the beginning of the thirty (30) day period, a public announcement will be made of the pending termination to allow the customers of the pending termination of their contracted haulers to make other arrangements for the proper disposal of their ~~trash~~ solid waste.

(2)~~(3)~~ Termination shall be accomplished by barring the delinquent commercial hauler from using the disposal facilities.

(f) Restoration of service following collection of delinquent accounts. Upon payment of all outstanding account balances, along with a bond (or security deposit) equivalent to the twelve (12) months' tipping fees incurred by the delinquent commercial customer and a reinstatement fee, service shall be restored."

(g) Liability of commercial haulers for payment of unpaid bills remains the responsibility of the haulers even if services are not restored. Delinquent commercial haulers shall also be responsible for any reasonable collection costs incurred.

Section 14. § 5504 of Article 5, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read

"§5504. If the radioactive material is brought to the facilities in a private or non-GSWA government vehicle, the waste will not be accepted and the hauler can either:

(a) have GSWA place the material ~~placed~~ in a secure container until the radiation subsides and the material can be properly disposed for a fee (which is charged by properly permitted private entities that accept such waste); or

(b) leave the facilities and have matter handled separately by properly trained and permitted personnel selected by the hauler owning the vehicle in which the radioactive material is detected."

Section 15. A new Article 6 is hereby *added* to Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§5601. Purpose.**

Solid waste collection, transfer, and disposal are essential public services affecting the health, safety, and welfare of the people of Guam, and must continue, resume, or be restored as promptly as conditions permit whenever an emergency threatens or strikes the island. The purpose of this Article is to vest in the General Manager the authority to determine when, where, and which GSWA personnel shall report to work before, during, and after a declaration of emergency, so that GSWA may prepare its facilities and equipment, protect its personnel, and restore service without interruption or delay.

§5602. Authority of the General Manager to Determine Reporting of Personnel.

(a) Notwithstanding any regularly established work schedule, the Manager is authorized to determine when, where, and which GSWA personnel shall report to work before, during, and after a declaration of emergency, including any period in which a declaration of emergency is reasonably anticipated.

(b) In exercising the authority granted by this Article, the Manager may:

(1) require designated personnel to report to work, remain at work, or return to work before, during, or after an emergency period, including outside regularly scheduled hours and on days off or holidays;

(2) release personnel from duty, in whole or in part, and close, in whole or in part, any GSWA facility or operation;

(3) modify work schedules, shifts, duty stations, and reporting locations, and temporarily reassign personnel to duties reasonably within their capabilities as emergency conditions require;

(4) stagger or delay reporting times to permit the safe return of personnel to work following an emergency; and

(5) take such other actions concerning the reporting and release of personnel as are reasonably necessary to prepare for, respond to, and recover from the emergency.

(c) Determinations of the Manager under this Article shall be consistent with any executive order, proclamation, or directive of the Governor of Guam governing the release or reporting of government of Guam employees, provided that the Manager may require essential personnel to report to or remain at work notwithstanding a general release of government employees.

(d) The Manager shall not require any employee to report to or remain at work where doing so would expose the employee to unreasonable danger to life or safety.

§5603. Designation of Essential Personnel.

The Manager shall designate those positions or employees who constitute essential personnel. Designations may be made annually, by standing order, or at any time before or during an emergency period, and may be modified as conditions require.

§ 5604. Duty of Employees to Comply.

An employee who is directed to report to, remain at, or return to work pursuant to this Article shall comply with such direction. Unexcused failure to comply may constitute grounds for adverse action in accordance with GSWA's personnel rules and regulations. An employee prevented from complying by conditions beyond the employee's control shall notify his/her supervisor as soon as practicable."

Section 16. Effective Date. These Rules and Regulations shall take effect upon enactment.

Section 17. Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or applications, and to this end, all provisions of these regulations are declared to be severable.

GUAM SOLID WASTE AUTHORITY

ISLANDWIDE COLLECTION

RULES AND REGULATIONS

These Administrative Rules & Regulations are promulgated under the enabling authority of Guam Solid Waste Authority, Title 10 GCA, Chapter 51A, Sections 51A1105 and 51A1106 and the Administrative Adjudication Law, Title 5 GCA, Chapter 9, Article 3, Adopted by the Guam Solid Waste Authority Board of Directors on _____.

Section 1. Purpose. These Rules and Regulations are adopted pursuant to 10 GCA §§ 51A1105 and 51A1106 for the purpose of implementing the Islandwide Garbage Collection and establishing a Customer Assistance Program.

Section 2. A new subsection (d) is hereby *added* to § 5103 of Article 1 of Chapter 5 of Title 28 of the Guam Administrative Rules and Regulations to read:

"(d) to establish islandwide solid waste collection services to achieve: lower rates and long-term financial stability through economies of scale, proper collection and disposal of residential garbage, and comprehensive service coverage across Guam to reduce illegal dumping."

Section 3. § 5104 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5104. Responsibility.

All municipal solid waste shall be ultimately disposed of at the Layon Landfill, which is a Subtitle D Landfill. GSWA may operate and manage the landfill directly or outsource its operations and management to a private operator. The private operator shall be responsible for obtaining all permits and monitoring of the Landfill site. The Layon Landfill shall not be open to the general public. Only waste deemed acceptable waste under the Layon Landfill's operating permit shall be disposed of at the Landfill."

Section 4. § 5105 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5105. Schedule of Rates and Charges.

All rates and charges are available on the GSWA website."

Section 5. § 5106 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5106. Collection of Solid Wastes.

(a) GSWA provides for the collection of solid waste from single or multi-family residences with four (4) or less units.

(b) Collection and Transport Assignments. GSWA services all nineteen (19) villages on Guam. Service includes solid waste and recyclables collection as well as bulky waste collection for residential contracted customers. GSWA does not collect from commercial or industrial businesses.

(c) Right to Transport Own Residential Waste. Any person may petition GSWA to transport residential solid waste acceptable for disposal to any of GSWA's residential transfer stations.

(d) Collection Intervals: Emergency Modification. All single and multi-family residential solid wastes, other than bulky waste and recyclables, shall be collected at least once weekly. Upon declaration of emergency by the GSWA Manager or Governor of Guam, GSWA may modify, suspend, or otherwise adjust the times, days, or frequency of collection to the extent necessary to respond to the emergency. Normal collection schedules shall resume as soon as conditions reasonably permit, and GSWA shall provide notice of any change in collection and of the resumption of normal service by reasonable means available under the circumstances.

(e) Point of Collection-Single/Multi-Family. GSWA designates the point of collection at the time the customer signs up for service.

(f) Cart Placement on Curb. Carts should be placed at point of collection the night before their service day.

(g) Grading, Demolition and Construction Wastes. GSWA accepts special solid waste at the Layon Landfill. Generators of other construction or demolition wastes not listed as special solid waste are required to use properly permitted private commercial haulers; provided, however, that during a declared emergency or emergency period, GSWA may accept construction or demolition wastes not listed as special solid waste at the Layon Landfill.

Section 6. § 5107 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5107. Definitions

(a) *Bulky waste* means appliances, mattresses, hot water heaters, and other bulky and metallic waste furniture and appliances.

(b) *Cart* means a container provided by GSWA designed for storage of waste and/or recyclable material.

(c)*Collection Service* means the removal and transportation of solid waste from residential facilities with four (4) or less units to designated disposal facilities.

(d) *Customer means* any person or entity receiving collection services from GSWA.

(e) *Declaration of emergency* means any declaration, proclamation, or executive order of a state of emergency, state of disaster, public health emergency, or condition of readiness issued by the Governor of Guam, and includes any modification, extension, or termination thereof.

(f) *Dwelling* means a building or portion thereof designed exclusively for residential occupancy.

(g) *Emergency period* means the period beginning when a declaration of emergency is issued, or when the Manager reasonably determines that an emergency is imminent, and ending when the Manager determines that normal operations have resumed following the termination of the declaration.

(h) *Essential personnel* means those GSWA employees designated by the Manager pursuant to §5603 as necessary to provide essential services before, during, or after an emergency period.

(i) *Government* means the government of Guam, all of its agencies, whether line or autonomous, and all public corporations.

(j) *Grading, demolition and construction waste* means waste materials generated from the grading of land or the construction, remodeling, or destruction of structures.

(k) *Green waste* means grass clippings, leaves, weeds, and pruned branches.

(l) *GSWA* means the Guam Solid Waste Authority.

(m) *Hauler-only transfer stations* mean the facility where permitted commercial haulers and government agencies are allowed to bring their waste after they have established an account with GSWA.

(n) *Hazardous Household Waste* means products used in the home, garden, garage, and hobby shops with hazardous characteristics such as poisonous, combustible, flammable, or corrosive

(o) *Household* means a residential dwelling unit occupied by one or more persons.

(p) *Low-Income Household* means a household meeting federal poverty guidelines or eligible for federal assistance programs.

(q) *Manager* means the General Manager of Guam Solid Waste Authority or his/her designated representative

(r) *Mandatory Collection Service means* the required participation in GSWA collection services.

(s) *Multi-family dwelling* means a building, or portion thereof, used and/or designed as a residence for no more than four (4) independent dwelling units.

(t) *Occupant* means any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit, or of any other improved real property, either as owner or as a tenant.

(u) *Residential Transfer Station* means the facilities where only residents can bring their permitted waste.

(v) *Single family* residence means a detached building designed for and/or occupied exclusively by one (1) family.

(w) *Solid Waste* means unwanted or discarded waste materials in a solid or semi-solid state.

(x) *Solid waste management* means the purposeful, systematic control of the generation, storage, collection, transportation, separation, processing and disposal of solid wastes.

(y) *Special solid waste or special collection* means solid waste, including but not limited to tires, grading, demolition and construction waste, batteries, air conditioners, cars, treated infectious waste, dead animals and offal, sewage sludge, asbestos waste and medical waste that requires special handling and separate fees as designated by the GSWA Manager and in compliance with Book 7 of the Layon Landfill Operating Permit, all local permit requirements, state, and Federal laws and regulations.

(z) *Subscriber* means a customer enrolled in GSWA collection services."

Section 7. § 5201 of Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5201. Registration and Carts.

(a) Registration. All eligible owners or lessees who are obligated under a lease of a single-family residence or multi-family dwellings, as defined herein, are required to register for collection service with GSWA or subscribe to private garbage collection services. Applicants for new service, including existing customers of the Guam Waterworks Authority (GWA), shall be enrolled with GSWA. Applicants, including those seeking an exemption, shall enroll with GSWA by submitting a completed GSWA registration form, paying in full any balance from a previous account, and providing proof of residency (rental lease, title or deed, power/water bills) along with valid identification (driver's license, passport, or government of Guam issued identification card).

(1) Customers are required to draw or verify as detailed a map as possible of the location of their residence.

(2) Each new or returning customer will be provided information as to how to properly participate in GSWA's collection service.

(3) Upon delivering the carts, the location will be recorded using the Global Position Satellite (GPS) coordinates. Customers may obtain a second cart for an additional cost.

(b) Coordination with Guam Waterworks Authority. GWA shall provide applicants with GSWA registration forms and submit completed forms to GSWA for processing. The applicant is solely responsible for establishing services for their residential property.

(c) Customers who qualify for financial assistance may apply under the Customer Assistance Program described in § 5204.

(d) Exemptions. Owners may annually petition GSWA for an exemption to the requirements of 10 GCA § 51A1103 by completing a GSWA Exemption Application Form and submitting all required supporting documentation, as long as:

(1) The owner provides a valid lease agreement showing that the lessee/tenant is obligated under the lease to subscribe for collection service, and the exemption shall remain in effect only so long as the lease remains valid and in force. However, any such arrangement shall not affect the owner's obligation to ensure subscription for garbage collection services and the associated payment for such services:

(2) The building with a valid occupancy permit is vacant;

(3) The building is occupied but not expected to generate any form of municipal solid waste;

(4) There is a contract for weekly collection services with a permitted private collection hauler; or

(5) The owner or lessee of a residential building registers with GSWA as a self-hauler and utilizes the Residential Transfer Stations.

(e) Carts. GSWA shall provide carts to customers occupying single-family residences and multi-family dwelling, as defined herein, upon setting up an account with GSWA.

(f) Waste in Excess of Cart Capacity. If customers have solid waste exceeding cart capacity, it must be placed in trash bags and tagged with a GSWA excess trash tag. Upon registering for service with GSWA, customers will receive four (4) excess trash tags. Additional tags may be purchased from GSWA. Bagged solid waste without a tag will not be collected.

(g) Residential Transfer Stations. Customers who petition GSWA and are approved for self-hauling may transport their municipal solid waste to residential transfer stations.

(1) All permitted loads received shall be assessed with the appropriate rates as approved by the Public Utilities Commission.

(2) Customers shall present their GSWA account information at the time of disposal to ensure that GSWA properly records their compliance with Public Law 38-39.

(3) GSWA may determine what can be dropped at Transfer Station.

(h) Bulky Waste. Subscribers with accounts in good standing may receive up to two (2) free permissible bulky waste services each calendar year, which may be scheduled curbside collections.

(1) Bulky waste collection shall be made by appointment only by contacting GSWA Customer Service.

(2) Bulky waste scheduled for collection shall be placed at the curb in the same general vicinity where they put their carts out for collection unless explicitly permitted by the customer to access their property.

(A) Customers are allowed to place up to five (5) bulky items at the curb for each scheduled collection.

(B) Any additional collections in excess of the two (2) allowed herein shall be made for an additional cost as assessed by GSWA.

(3) Non-GSWA customers may also make an appointment for bulky waste collection or self-haul to residential transfer stations as long as they are located in a residential unit and pay the assessed collection fee.

(i) Grading, Demolition, and Construction Waste. Construction and demolition waste are not permitted at the Layon Landfill, except during an emergency period or declaration of emergency, when GSWA may accept such waste. GSWA will refer generators of this type of waste to permitted facilities.

(j) Recyclables. If requested, a separate recycling cart will be delivered at no additional cost, which will be collected at least once per month unless otherwise modified by GSWA and transported to a permitted recycling processor. These carts will be collected on the same day as the customers' trash carts are collected.

(k) Responsibilities at Point of Collection. Collection crew shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle, provided that the solid waste was stored in compliance with these rules and regulations.

(1) Any spillage or displaced solid waste occurring prior to the arrival of the solid waste collectors at the point of collection shall be the responsibility of the customer.

(2) Any spillage or displaced litter caused as a result of the duties of the solid waste collectors shall be collected and placed in the transportation vehicle by the solid waste collectors.

(3) Any solid waste collected shall, upon being loaded into transportation equipment, become the property of the collector.

(A) Solid waste collectors shall not be required to reach into solid waste containers to remove contents.

(B) Authorized containers emptied by solid waste collectors shall be returned to the point of collection."

Section 8. § 5203 of Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"Section 5203. Residential Tipping Fees and Delinquent Accounts.

(a) Tipping fees shall be set pursuant to 10 GCA § 51A301.

(b) During the first week of each month, GSWA will invoice for the most recent previous month of service.

(c) All bills are due and payable upon presentation. Payment should be made at financial institutions designated by the GSWA, to authorized representatives or agents, as well as other utility/government agencies specified by GSWA, or through GSWA's online bill pay system.

(d) After thirty (30) days from the billing date, any unpaid balance shall be considered late and shall result in a reminder call to the customer.

(e) Accounts with any unpaid balance after sixty (60) days from the billing date shall be provided written notice notifying customers that GSWA shall pursue all available legal remedies to collect the unpaid balance unless the accounts are brought current within thirty (30) days of the date of said written notice. If accounts are not brought current or a payment extension has not been arranged within the thirty-day written notice, GSWA shall pursue all available legal remedies to

collect the unpaid balance, including referral of the account to a collection agency, civil action, and recovery of costs of collection as permitted by law including attorney's fees.

(f) Unrecovered or unrepairable carts. Customers shall be responsible for the cost of a new cart in cases where the cart is deemed unrecovered or unrepairable due to negligence. Carts damaged as a result of normal wear and tear will not incur charges for replacement.

(g) Under certain circumstances, customers may seek a reduction in the amount of tipping fees owed. Customers who can show that they have had their service missed substantially during any given month may request a meeting with the GSWA Manager or designated representative to seek a reduction in charges.

(h) Nonprofit 501(c) organizations, as defined by the U.S. Internal Revenue Code, seeking to perform community-wide cleanups on public property on a non-regular basis may seek from the GSWA Manager or designated representative, a reduction or elimination of the tipping fees for specified containers or hauling vehicles.

(i) Checks. GSWA shall be allowed to recover a fee as set forth in the Schedule of Rates and Charges for each instance where a customer tenders payment for GSWA service with an insufficient funds check.

(1) When the GSWA is notified by the customer's bank that there are insufficient funds to cover the check tendered for GSWA service, GSWA shall make a diligent effort to contact the customer, either in person or by telephone, to inform the customer of the inadequate payment. GSWA may, at its discretion, require the customer to make payment in cash, money order, certified check, or other means that guarantee the customer's payment to GSWA.

(2) A customer who tenders an insufficient check shall in no way be relieved of the obligation to render payment to GSWA under the original terms of the bill, nor defer GSWA's provision for termination of service for nonpayment of bills.

(3) When a customer tenders an insufficient check and does not clear the check after being notified by GSWA, GSWA shall debit the account for the written amount plus a service charge as set forth in the Schedule of Rates and Charges.

(j) Residential customers may pay their bills with credit cards but may be assessed the fee charged by credit card companies.

(k) Non-permissible reason to deny or terminate service.

(1) GSWA may not deny or terminate service for delinquency in payment for services rendered to a prior customer at the premises where service is being provided,

(A) except if it can be determined that there is intent between the parties to circumvent the provisions of these rules and regulations

(B) and where the prior customer continues to reside on the premises.

(2) The account holder shall be held responsible for all fees associated with the service.

(l) The customer shall be responsible to keep GSWA informed of:

(1) Any bill which is not paid on or before the specified due date after presentation or deposit in the United States Mail shall be deemed delinquent and collection service shall be subject to the provisions of GSWA's discontinuation of service as set forth herein.

(2) Failure to receive bills or notices which have been properly placed in the United States Mail shall not prevent such bills from becoming delinquent nor relieve the customer of his obligations therein.

(3) Charges for service commence when the customer signs up for collection service, whether used or not."

Section 9. § 5204 is hereby *added* to Article 2, Chapter 5, Title 29, Guam Administrative Rules and Regulations to read:

"**§ 5204. Customer Assistance Program.**

(a) Residential customers may be eligible for the Customer Assistance Program if they meet at least one of the following criteria:

(1) The customer is eligible or receiving Supplemental Nutrition Assistance Program (SNAP/food stamps);

(2) The customer is eligible or receiving Medicaid;

(3) The customer is eligible or receiving Supplemental Security Income (SSI) or

(4) The customer is eligible or receiving Special Supplemental Nutrition Program for the Women, Infants, and Children (WIC) Program.

(b) Eligible customers shall complete a GSWA Customer Assistance Application form and submit it along with acceptable proof of eligibility, such as a current benefit letter, award notice, or other official documentation verifying participation in one (1) of the qualifying programs listed.

(c) Customers who participate in the Customer Assistance Program shall be subject to annual renewal and shall provide proof of continued eligibility at the time of renewal.

(d) Legislative appropriation, grants, or other external subsidies shall fund the Customer Assistance Program. GSWA revenues shall not be used to fund this program unless specifically approved by the Public Utilities Commission (PUC). Funding shall be distributed equally among all program participants until such funds are exhausted."

Section 10. § 5205 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5205 Prohibitions**

The owner and occupant of property are each responsible for ensuring that solid waste on the property is stored and set out for collection in compliance with the Rules and Regulations. A person must not:

(a) Remove solid waste from one property and deposit it on another property;
(b) Place solid waste from one property into any container that belongs to the owner or occupant of another property or has been issued for the use of the occupants of another property;
(c) Set out solid waste for collection from a property unless the solid waste originates from that property;
(d) Place any solid waste that has not been designated as recyclable into a container designated as eligible exclusively for recyclable waste, or place waste that has not been designated as compostable waste into a container designated as eligible exclusively for compostable waste;
(e) Place any solid waste designated as special waste or non-collectible waste into a container designated as eligible exclusively for garbage;
(f) Scavenge, pick through, or remove solid waste that is located at a solid waste disposal site without the authorization of the General Manager;
(g) Scavenge, pick through or remove solid waste that is placed in the street in an eligible container for collection unless he or she is the owner or occupant of the property with respect to which the container has been issued, or who has the permission of the owner or occupant of the property on which the solid waste is located;
(h) Place solid waste in a street for collection in a manner or in a location that poses a hazard."

Section 11. § 5206 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5206. Penalty**

"(a) All persons subject to the subscription requirements set forth in 10 GCA § 51A1103 shall promptly and fully comply with such requirements in accordance with applicable law. Failure to subscribe as required shall constitute a violation of 10 GCA § 51A1103.

(b) Failure to subscribe in violation of 10 GCA § 51A1103 shall be subject to a cumulative penalty of fifty dollars ($50.00) per month, accruing from the date subscription was required until the date of compliance.

(c) For purposes of calculating the cumulative penalty, a partial month shall be treated as a full month. The penalty shall begin to accrue on the first day following the date subscription was required and shall continue to accrue through and including the date of full compliance.

(d) Written notice shall be provided to any person found to be in violation of the subscription requirements. Such notice shall specify: (i) the nature of the violation; (ii) the date subscription was required; (iii) the amount of penalty accrued as of the date of the notice; and (iv) instructions for achieving compliance.

(e) Penalties shall be paid by check, money order, or electronic funds transfer to the Guam Solid Waste Authority as specified in the notice of non-compliance.

(f) The General Manager may waive or reduce penalties upon a showing that: (i) the violation resulted from circumstances beyond the customer's control; (ii) the customer made good faith efforts to comply; or (iii) payment would cause undue hardship.

Section 12. § 5207 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5207. Appeals Process**

Any customer assessed a penalty may appeal in accordance with the Administrative Adjudication Act."

Section 13. § 5302 of Article 3, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended to* read:

"§ 5302. Commercial Tipping Fees and Delinquent Accounts.

(a) Tipping fees shall be set pursuant to 10 GCA §§ 51A104(d) and 51A301.

(b) During the first week of each month, GSWA will invoice for the most recent previous month of service.

(c) All bills are due and payable upon presentation.

(1) Payment should be made at financial institutions designated by the GSWA, to an authorized representative or agent, as well as other utility/government agencies specified by GSWA.

(2) Designated financial institutions and authorized representatives or agents shall be listed on customer billings and the GSWA website.

(d) After sixty (60) days from the billing date, any unpaid balance shall be considered late and shall result in a reminder call to the customer.

(e) Accounts with any unpaid balance after sixty (60) days from the billing date shall be provided written notice notifying customers that service shall be discontinued unless the accounts are brought current or a payment extension has been arranged within thirty (30) days of the date of said written notice.

(1) At the beginning of the thirty (30) day period, a public announcement will be made of the pending termination to allow the customers of the pending termination of their contracted haulers to make other arrangements for the proper disposal of their solid waste.

(2) Termination shall be accomplished by barring the delinquent commercial hauler from using the disposal facilities.

(f) Restoration of service following collection of delinquent accounts. Upon payment of all outstanding account balances, along with a bond (or security deposit) equivalent to the twelve (12) months' tipping fees incurred by the delinquent commercial customer and a reinstatement fee, service shall be restored."

(g) Liability of commercial haulers for payment of unpaid bills remains the responsibility of the haulers even if services are not restored. Delinquent commercial haulers shall also be responsible for any reasonable collection costs incurred.

Section 14. § 5504 of Article 5, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§5504. If the radioactive material is brought to the facilities in a private or non-GSWA government vehicle, the waste will not be accepted and the hauler can either:

(a) have GSWA place the material in a secure container until the radiation subsides and the material can be properly disposed for a fee (which is charged by properly permitted private entities that accept such waste); or

(b) leave the facilities and have matter handled separately by properly trained and permitted personnel selected by the hauler owning the vehicle in which the radioactive material is detected."

Section 15. A new Article 6 is hereby *added* to Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"§5601. Purpose.

Solid waste collection, transfer, and disposal are essential public services affecting the health, safety, and welfare of the people of Guam, and must continue, resume, or be restored as promptly as conditions permit whenever an emergency threatens or strikes the island. The purpose of this Article is to vest in the General Manager the authority to determine when, where, and which GSWA personnel shall report to work before, during, and after a declaration of emergency, so that GSWA may prepare its facilities and equipment, protect its personnel, and restore service without interruption or delay.

§5602. Authority of the General Manager to Determine Reporting of Personnel.

(a) Notwithstanding any regularly established work schedule, the Manager is authorized to determine when, where, and which GSWA personnel shall report to work before, during, and after a declaration of emergency, including any period in which a declaration of emergency is reasonably anticipated.

(b) In exercising the authority granted by this Article, the Manager may:

(1) require designated personnel to report to work, remain at work, or return to work before, during, or after an emergency period, including outside regularly scheduled hours and on days off or holidays;

(2) release personnel from duty, in whole or in part, and close, in whole or in part, any GSWA facility or operation;

(3) modify work schedules, shifts, duty stations, and reporting locations, and temporarily reassign personnel to duties reasonably within their capabilities as emergency conditions require;

(4) stagger or delay reporting times to permit the safe return of personnel to work following an emergency; and

(5) take such other actions concerning the reporting and release of personnel as are reasonably necessary to prepare for, respond to, and recover from the emergency.

(c) Determinations of the Manager under this Article shall be consistent with any executive order, proclamation, or directive of the Governor of Guam governing the release or reporting of government of Guam employees, provided that the Manager may require essential personnel to report to or remain at work notwithstanding a general release of government employees.

(d) The Manager shall not require any employee to report to or remain at work where doing so would expose the employee to unreasonable danger to life or safety.

§5603. Designation of Essential Personnel.

The Manager shall designate those positions or employees who constitute essential personnel. Designations may be made annually, by standing order, or at any time before or during an emergency period, and may be modified as conditions require.

§5604. Duty of Employees to Comply.

An employee who is directed to report to, remain at, or return to work pursuant to this Article shall comply with such direction. Unexcused failure to comply may constitute grounds for adverse action in accordance with GSWA's personnel rules and regulations. An employee prevented from complying by conditions beyond the employee's control shall notify his/her supervisor as soon as practicable."

Section 16. Effective Date. These Rules and Regulations shall take effect upon enactment.

Section 17. Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or applications, and to this end, all provisions of these regulations are declared to be severable.

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Facsimile: (671) 649-2394
Attorney for Petitioner

IN THE SUPERIOR COURT OF GUAM
IN THE MATTER OF THE ESTATE OF
PATRICIA MARIANO BLAS,
Decedent,
By
JACQUES G. BRONZE,
Petitioner
PROBATE CASE NO. PRO051-26
NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN by the undersigned Jacques G. Bronze, Administrator of the Estate of Patricia Mariano Blas, decedent, to the creditors of, and all persons having claims against the said estate or against said decedent, that within sixty (60) days after the first publication of this notice, they either file their claims in the office of the Clerk of the Superior Court of Guam, or provide them with the necessary vouchers to Jacques G. Bronze, at the Law Offices of Jacques G. Bronze, P.C., 173 Aspinall Avenue, Suite 206A, Hagåtña, Guam 96910, the same being the place for the transaction of the said business of Estate.

DATED: July 9, 2026

/s/Jacques G. Bronze
Administrator

Guam Solid Waste Authority

546 N. Marine Corps Dr.,Tamuning, Guam 96913

NOTICE OF HEARING

DATE: August 10, 2026
TIME: 6 p.m.
LOCATION: GEC- 241 Farenholt Avenue, Oka Building, 2nd Floor, Suite 205, Tamuning

The Guam Solid Waste Authority Board of Directors proposes to amend the Operating Rules and Regulations regarding solid waste operations as authorized by 10 G.C.A. § 51A104. Pursuant to the Administrative Adjudication Law, 5 G.C.A., Chapter 9, any interested party may present relevant information concerning the proposed rules and regulations. Copies of the proposed rules and regulations and other information may be inspected at the GSWA Office, 546 North Marine Corps Drive Tamuning, Guam 96913, or on the GSWA's website at www.guamsolidwasteauthority.com.

For more information, please contact GSWA at 671-646-3111 or email admin@gswa.guam.gov.

This advertisement was paid for by GSWA.

GUAM EDUCATION BOARD

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JUDITH GUTHERTZ, DPA
CHAIR

MARY A.Y. OKADA, Ed.D.
VICE-CHAIR

Guam Education Board
SPECIAL MEETING
Friday, August 7, 2026 • 3 PM • Gallery, Bldg. B, Tiyan
AGENDA

INFO **I. Meeting Call to Order**
II. Unfinished Business
INFO/ACTION a. School Readiness
INFO/ACTION b. Management & Curriculum Audit
INFO/ACTION c. BP 620 Use of School/Other Department of Education Facilities
INFO/ACTION **III. Announcements & Adjournment**

The public is welcome to view the meeting via live stream at https://www.youtube.com/@guamdepartmentofeducation5142.

Individuals requiring special accommodations or information via email may contact Kathleen Lamorena by email: krlamorena@gdoe.net.

This advertisement was paid by GDOE local funds.

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IN THE SUPERIOR COURT OF GUAM
IN THE MATTER OF THE ESTATE OF
DONALD KIRK GAFFORD, JR.,
Decedent.
PROBATE CASE NO. PR0095-26
NOTICE OF HEARING

THIS NOTICE IS REQUIRED BY LAW, YOU ARE NOT REQUIRED TO APPEAR IN COURT UNLESS YOU DESIRE.

1. NOTICE IS HEREBY GIVEN that Petitioner Joshua Dabinon Gafford has filed a Petition for Probate of the Estate and for Appointment of Administrator and Letters of Administration.

2. A hearing on the petition will be heard on **Wednesday, August 5, 2026, at 11:10 a.m. before Hon. Judge Elyze M. Iriarte.**

3. To attend or to participate in the hearing, you may appear in person at the Guam Judicial Center, appear remotely at https://guamcourts-org.zoom.us and enter Meeting ID: 864 4387 2213 and Passcode: JEMI; or call into the courtroom at 671-300-6703 at the designated hearing time. For connectivity issues, you may contact Jannette Samson at (671) 475-0141 or email jsamson@guamcourts.gov.

Dated: 22 JUNE 2026

JANICE M. CAMACHO-PEREZ

Doc. No. 38[illegible]-26 2026

Douglas B. Moylan
Attorney General of Guam
Office of the Attorney General
Family Division
590 S. Marine Corps Drive, ITC Bldg., Ste. 706
Tamuning, Guam 96913 • USA
(671) 475-2595 • (671) 475-3343 (fax)
familydivision@oagguam.org
Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM
In the Interest of:
S.B. (DOB: 03/28/2011), and
I.B. (DOB: 09/04/2012),
Minor.
Juvenile Case No. JP0260-24
Summons

To: MANUEL BABAUTA, FATHER
395 Evangelista Rd. Yigo, Guam
Tel: (671) 456-4927

You are hereby summoned to appear via zoom before the **HONORABLE LINDA INGLES,** at the Judiciary of Guam, Superior Court of Guam, 120 West O'Brien Drive, Hagåtña, Guam, for a court hearing on:

FRIDAY, AUGUST 28, 2026 AT 2:30 P.M.
Zoom meeting ID: 716-711-9213 / Passcode: 76504

"YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD WHO IS THE SUBJECT OF THE ABOVE MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE THAT IS SET FORTH IN THIS SUMMONS." **YOU MAY BE HELD IN CONTEMPT IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS.**

Dated: JUN 26 2026

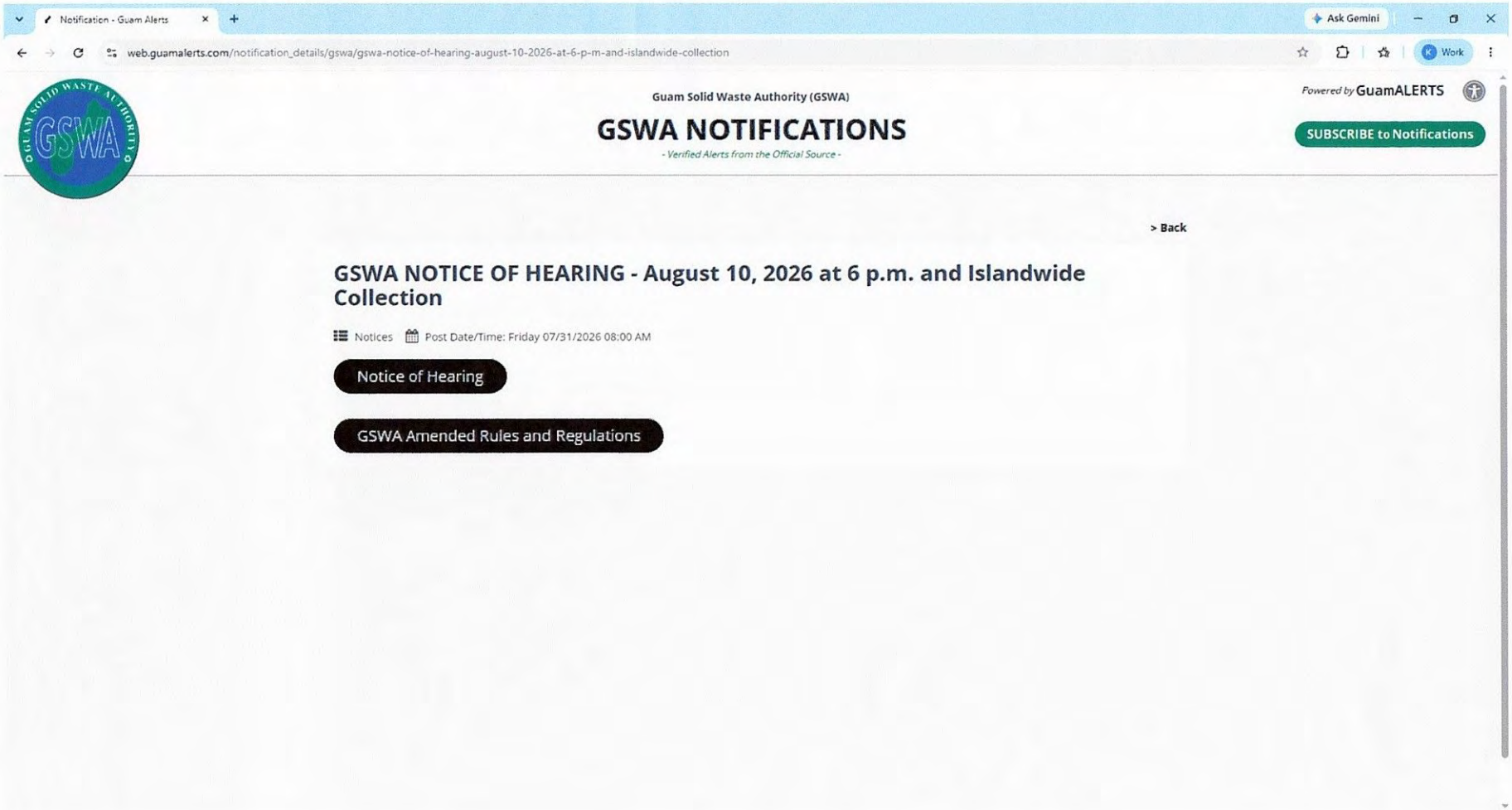
BROOKS CONCEPCION LAW, P.C.
247 Martyr Street, Ste. 101
Hagåtña, Guam 96910
(671) 472-6848 • (671) 477-5790
Attorneys for Administratrix

IN THE SUPERIOR COURT OF GUAM
IN THE MATTER OF THE ESTATE OF:
BRIAN WAYNE TIREY,
Deceased.
PROBATE CASE NO. PR0086-26
NOTICE TO CREDITORS

Notice is hereby given by the undersigned, Maria L. Perez, Administratrix of the Estate of **BRIAN WAYNE TIREY,** deceased, to the creditors of, and all persons having claims against the said estate or against said deceased, that within sixty (60) calendar days after the first publication of this notice, they either file them with necessary vouchers in the office of the Clerk of the Superior Court, Guam, or exhibit them with the necessary vouchers to Maria L. Perez, Administratrix, at the law offices of **BROOKS CONCEPCION LAW, P.C.,** at 247 Martyr Street, Ste. 101, Hagåtña, Guam, the same being the place for the transaction of the said estate.

Dated: 07/17/26

/s/ Maria L. Perez


Notification - Guam Alerts
Ask Gemini
web.guamalerts.com/notification_details/gswa/gswa-notice-of-hearing-august-10-2026-at-6-p-m-and-islandwide-collection
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GSWA NOTICE OF HEARING - August 10, 2026 at 6 p.m. and Islandwide Collection
Notices
Post Date/Time: Friday 07/31/2026 08:00 AM
Notice of Hearing
GSWA Amended Rules and Regulations

UTILITY FINANCIAL SOLUTIONS, LLC

10/28/2026

Irvin Slike
Guam Solid Waste Authority
546 N. Marine Corps Dr.
Tamuning, Guam 96913

Dear Mr. Slike,

Utility Financial Solutions (UFS) has reviewed the residential rate analysis supporting the Guam Solid Waste Authority's proposed rules and regulations. This letter summarizes the economic impact on residential customers and the GSWA's financial position under the proposed rates.

Basis of analysis. The analysis assumes 22,000 existing residential accounts and 19,581 additional households brought into service through the Island Wide Collection (IWC) program, for a total of 41,581 households. Existing accounts currently pay $38.00 per month. Under the proposed rate, all residential accounts, existing and new, pay $20.00 per month.

Economic impact at full implementation. The table below compares monthly residential revenue with and without the IWC program.

		Rate	Rate
Description	**Monthly Customers**	**No IWC**	**w/IWC**
Base Accounts	22,000	$ 38.00	$ 20.00
Phase in IWC	19,581	$ -	$ 20.00
Monthly Revenue		$ 836,000	$ 831,620
Economic Impact	**$ (4,380)**		

At full implementation, total monthly residential billings decrease by $4,380. On an annual basis this is a decrease of $52,560 (0.19% of cash inflows). Existing customers receive an $18.00 monthly reduction, which is offset by the new households that begin paying $20.00 per month. In aggregate, this proposal has essentially no economic impact on residential customers.

UFS UTILITY FINANCIAL SOLUTIONS, LLC

Financial sufficiency. GSWA's cash flow projections show that cash balances remain above the proposed minimum cash levels in every year of the projection period.

	Projected Rates				Cash Balances	
Fiscal Year	Residential Rate	Major Commercial Haulers Rate (with discount)	Commercial Discount per ton	Gov Agencies and Small Commercial Rate	Projected Cash Balances	Proposed Minimum Cash
2026	$ 35.00	$ 178.00	$ 12.00	$ 190.00	$ 6,138,504	$ 4,624,934
2027	38.00	183.00	10.00	193.00	5,780,702	4,391,693
2028	20.00	183.00	10.00	193.00	4,750,692	4,519,813
2029	20.00	183.00	10.00	193.00	5,281,742	4,635,662
2030	20.00	183.00	10.00	193.00	5,561,087	4,694,707

Cart reimbursement. The projections include a $4,000,000 cart expense in fiscal year 2027, offset by a $2,000,000 reimbursement from GovGuam, for a net cost of $2,000,000 to the GSWA. The cash projections depend on receipt of this reimbursement. If it is not received, projected cash balances would fall below the proposed minimum cash levels beginning in fiscal year 2027. The reimbursement is not paid by residential customers and is not included in the economic impact calculation above.

Status of results. UFS has reviewed the attached figures and confirms that the numbers have not materially changed from our prior analysis. These projections rely on information and assumptions provided by GSWA, including household counts and the timing of the cart reimbursement.

Thank you for the opportunity to provide this analysis.

Sincerely,

jillian jurczyk

Jillian Jurczyk, Rates Manager
Utility Financial Solutions, LLC

TAMUNING, GUAM AUGUST 10, 2026 : 6:11 P.M.

GSWA General Manager Irvin Slike: So, this is a public meeting for the Guam Solid Waste Authority. My name is Irvin Slike. I'm the general manager for Guam Solid Waste, and we're here to hear testimony on our proposed changes to the rules and regs.

GSWA Administrative Officer Keilani Mesa: For the record, it is August 10th, 2026. The current time is 6:11 P.m.

GSWA Legal Counsel Shannon Taitano: So today's purpose of today's hearing is to amend Guam Solid Waste Authority's existing rules to reflect the new mandate of islandwide collection which requires that residents of Guam, eligible residents of Guam, register for the program. And the rules also establishes a customer assistance program consistent with the mandate provided by law, which allows customers who are eligible to submit an application to qualify for the customer assistance program. The rules also include prohibitions, penalty, and penalties for non-compliance. And basically, that's what the new, some of the new amendments would do to the existing rules. And we welcome any comments at this time to the proposed changes.

GSWA General Manager Irvin Slike: So for the press that's present, the Island-wide program will be basically the same thing that we outlined to the PUC about a year ago, I think. And it will include all single family and dwellings, 4 units or less. We have engaged with the water authority to get their customer list so that registering for the program will be seamless. We'll just adopt them. If people want to exit the program and haul their trash to a transfer station or they have a commercial hauler, they're free to do so. They just have to let us know. The proposed rates, we have a target of $20 per household per month, which is an $18 savings compared to the $38 which will initiate this coming October. The other key component is we will allow the resident to keep the bin at their house and collections will be done either through a collection agency if they're 90 days or more, or we want to ask the legislature to give us the authority to get payment either through tax refunds or other sources, other legal sources for delinquent accounts. And I think that's the, that's the key components of this island-wide program.

GSWA Legal Counsel Shannon Taitano: We're just waiting till 630. So we'll keep the hearing open until 6:30 to entertain any comments that come in until then.

GSWA General Manager Irvin Slike: So it is now 6.30 P.m. on August 10th and we're closing the public hearing for the rates changing in the legislation for our rules and regs for Guam Solid Waste Authority. And there was no one present.

CERTIFICATION OF TRANSCRIPT

I, Keilani Mesa, Administrative Officer of Guam Solid Waste Authority, hereby certify that I personally prepared the foregoing transcript of the hearing for the amended GSWA Rules and Regulations conducted on **August 10, 2026 at 6:00 p.m.** at the Guam Election Commission Suite 205.

I further certify that, to the best of my knowledge and belief, the foregoing transcript is a **true, correct, and accurate transcription** of the statements and proceedings contained in the source recording from which it was prepared.

I certify that I have reviewed the transcript and that it accurately reflects the contents of the source material to the best of my ability

I make this certification in my official capacity and affirm that the foregoing is true and correct.

CERTIFIED BY:



Keilani Marie C. Mesa
Administrative Officer
Guam Solid Waste Authority

Date: August 31, 2026

SOURCE MATERIAL:
Type: Audio Recording

GSWA BOARD RESOLUTION NO. 2026-009

GSWA Board Resolution No. 2026-009
RELATIVE TO THE APPROVAL OF THE AMENDED RULES AND REGULATIONS OF THE ISLAND WIDE TRASH COLLECTION INITIATIVE

WHEREAS, the Guam Solid Waste Authority ("GSWA") is a public corporation and autonomous instrumentality of the government of Guam, established pursuant to Title 10, Guam Code Annotated ("GCA"), Chapter 51A, and is governed by its Board of Directors (the "Board"); and

WHEREAS, pursuant to 10 GCA §§ 51A1105 and 51A1106, GSWA is authorized to promulgate rules and regulations to implement islandwide residential solid waste collection and to establish a customer assistance program; and

WHEREAS, management has presented to the Board proposed rules and regulations entitled "Guam Solid Waste Authority Islandwide Collection Rules and Regulations" (the "Rules"), attached hereto as Exhibit "A" and incorporated herein by reference, which amend and add provisions to Articles 1, 2, 3, and 5 of Chapter 5, Title 28, Guam Administrative Rules and Regulations, add a new Article 6 thereto, and establish a Customer Assistance Program (§ 5204); and

WHEREAS, in accordance with the Administrative Adjudication Law, 5 GCA, Chapter 9, Article 3 (the "AAL"), notice of the proposed Rules was duly published on July 31, 2026, the Rules were made available for public inspection and comment, a public hearing was held on August 10, 2026, and no public comments or objections were submitted; and

WHEREAS, the Board has reviewed and considered the Rules, together with the administrative record of the rulemaking proceedings, and finds that all have been processed in compliance with all applicable requirements of the AAL; and

WHEREAS, the Board finds that adoption of the Rules is necessary and appropriate to implement islandwide collection, achieve lower rates and long-term financial stability through economies of scale, ensure proper collection and disposal of residential solid waste, provide comprehensive service coverage across Guam to reduce illegal dumping, and provide assistance to qualifying low-income households.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Guam Solid Waste Authority as follows:

1. The Board hereby adopts the Guam Solid Waste Authority Islandwide Collection Rules and Regulations, attached hereto as Exhibit "A," as the duly promulgated administrative rules and regulations of GSWA.

2. The General Manager, or his designee, is hereby authorized and directed to take all actions necessary to complete the promulgation of the Rules in accordance with the AAL, including transmittal, filing, and publication of the adopted Rules as required by law, and to implement and administer the Rules upon their taking effect.

3. The Rules shall take effect as provided in Section 16 thereof and in accordance with the AAL.

Ayes: 4

Nays: 0

Absent: 1

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 25th day of August 2026.

GUAM SOLID WASTE AUTHORITY

BOARD OF DIRECTORS

Andrew Gayle, Chairman

Margaret Denney, Secretary

ATTEST:

ALICIA FEJERAN, CLERK

BY: _____

EXHIBIT A

GUAM SOLID WASTE AUTHORITY

ISLANDWIDE COLLECTION

RULES AND REGULATIONS

These Administrative Rules & Regulations are promulgated under the enabling authority of Guam Solid Waste Authority, Title 10 GCA, Chapter 51A, Sections 51A1105 and 51A1106 and the Administrative Adjudication Law, Title 5 GCA, Chapter 9, Article 3, Adopted by the Guam Solid Waste Authority Board of Directors on _____.

Section 1. Purpose. These Rules and Regulations are adopted pursuant to 10 GCA §§ 51A1105 and 51A1106 for the purpose of implementing the Islandwide Garbage Collection and establishing a Customer Assistance Program.

Section 2. A new subsection (d) is hereby *added* to § 5103 of Article 1 of Chapter 5 of Title 28 of the Guam Administrative Rules and Regulations to read:

"(d) to establish islandwide solid waste collection services to achieve: lower rates and long-term financial stability through economies of scale, proper collection and disposal of residential solid waste, and comprehensive service coverage across Guam to reduce illegal dumping."

Section 3. § 5104 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5104. Responsibility.

All municipal solid waste shall be ultimately ~~finally~~ disposed of at the Layon Landfill, which is a Subtitle D Landfill~~-Title Landfill, with tis operations and management outsoureed to a private operator~~. GSWA may operate and manage the landfill directly or outsource its operations and management to a private operator. The private operator shall be responsible for obtaining all permits and monitoring of the Landfill site. The Layon Landfill shall not be open to the general public. Only waste deemed acceptable waste under the Layon Landfill's operating permit shall be disposed of at the Landfill."

Section 4. § 5105 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5105. Schedule of Rates and Charges.

All rates and charges are available ~~free of charge at the Guam Solid Waste Authority ("GSWA") on a "Schedule of Rates and Charges" form. A Schedule of Rates and Charges shall be publicized~~ on the GSWA website."

Section 5. § 5106 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5106. Collection of Solid Wastes.

(a) ~~GWSA~~ GSWA provides for the collection of solid waste from single or multi-family residences with four (4) or less units.

(b) Collection and Transport Assignments. GSWA services all nineteen (19) villages on Guam. Service includes ~~trash~~ solid waste and recyclables collection as well as bulky waste collection for residential contracted customers. GSWA does not collect from commercial or industrial businesses.

(c) Right to Transport Own Residential Waste. Any person may petition GSWA to transport residential solid waste acceptable for disposal to any of GSWA's residential ~~trash~~ transfer stations.

(d) Collection Intervals; Emergency Modification. All single and multi-family residential solid wastes, other than bulky ~~rubbish~~ waste and recyclables, shall be collected at least once weekly. Upon a declaration of emergency by the GSWA Manager or Governor of Guam, GSWA may modify, suspend, or otherwise adjust the times, days, or frequency of collection to the extent necessary to respond to the emergency. Normal collection schedules shall resume as soon as conditions reasonably permit, and GSWA shall provide notice of any change in collection and of the resumption of normal service by reasonable means available under the circumstances.

(e) Point of Collection-Single/Multi-Family. GSWA designates the point of collection at the time the customer signs up for service.

(f) Cart Placement on Curb. Carts should be placed at point of collection the night before their service day.

(g) Grading, Demolition and Construction Wastes. GSWA accepts special solid waste at the Layon Landfill. Generators of other construction or demolition wastes not listed as special solid waste are required to use properly permitted private commercial haulers; provided, however, that during a declared emergency or emergency period, GSWA may accept construction or demolition wastes not listed as special solid waste at the Layon Landfill. ~~GSWA will not accept such waste at the Layon Landfill. Generators of such waste will be referred to properly permitted private commercial haulers.~~"

Section 6. § 5107 of Article 1, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5107. Definitions

(a) *Bulky waste* means appliances, mattresses, hot water heaters, and other bulky and metallic waste, furniture and appliances.

(b) *Cart* means a container provided by GSWA designed for storage of waste and/or recyclable material.

(c)*Collection Service* means the removal and transportation of solid waste from residential facilities with four (4) or less units to designated disposal facilities.

(d) *Customer means* any person or entity receiving collection services from GSWA.

(e) *Declaration of emergency* means any declaration, proclamation, or executive order of a state of emergency, state of disaster, public health emergency, or condition of readiness issued by the Governor of Guam, and includes any modification, extension, or termination thereof.

(f)*Dwelling* means a building or portion thereof designed exclusively for residential occupancy.

(g) *Emergency period* means the period beginning when a declaration of emergency is issued, or when the Manager reasonably determines that an emergency is imminent, and ending when the Manager determines that normal operations have resumed following the termination of the declaration.

(h) *Essential personnel* means those GSWA employees designated by the Manager pursuant to § 5603 as necessary to provide essential services before, during, or after an emergency period.

(i) *Government* means the government of Guam, all of its agencies, whether line or autonomous, and all public corporations.

(j) *Grading, demolition and construction waste* means waste materials generated from the grading of land or the construction, remodeling, or destruction of structures.

(k) *Green waste* means grass clippings, leaves, weeds, and pruned branches.

(l) *GSWA* means the Guam Solid Waste Authority.

(m) *Hauler-only transfer stations* mean the facility where permitted commercial haulers and government agencies are allowed to bring their waste after they have established an account with GSWA.

(n) *Hazardous Household Waste* means products used in the home, garden, garage, and hobby shops with hazardous characteristics such as poisonous, combustible, flammable, or corrosive

(o) *Household* means a residential dwelling unit occupied by one or more persons.

(p) *Low-Income Household* means a household meeting federal poverty guidelines or eligible for federal assistance programs.

(q) *Manager* means the General Manager of Guam Solid Waste Authority or his/her designated representative

(r) *Mandatory Collection Service means* the required participation in GSWA collection services.

(s) *Multi-family dwelling* means a building, or portion thereof, used and/or designed as a residence for no more than four (4) independent dwelling units.

(t) *Occupant* means any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit, or of any other improved real property, either as owner or as a tenant.

(u) *Residential Transfer Station* means the facilities where only residents can bring their permitted waste.

(v) *Single family* residence means a detached building designed for and/or occupied exclusively by one (1) family.

(w) *Solid Waste* means ~~garbage,~~ unwanted or discarded waste materials in a solid or semi-solid state ~~waste~~.

(x) *Solid waste management* means the purposeful, systematic control of the generation, storage, collection, transportation, separation, processing and disposal of solid wastes.

(y) *Special solid waste or special collection* means solid waste, including but not limited to tires, grading, demolition and construction waste, batteries, air conditioners, cars, treated infectious waste, dead animals and offal, sewage sludge, asbestos waste and medical waste that requires special handling and separate fees as designated by the GSWA Manager and in compliance with Book 7 of the Layon Landfill Operating Permit, all local permit requirements, state, and Federal laws and regulations.

(z) *Subscriber* means a customer enrolled in GSWA collection services."

Section 7. § 5201 of Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"§ 5201. Registration and Carts.

(a) Registration. ~~Residents~~ All eligible owners or lessees who are obligated under a lease of a ~~singlenfamily~~ single-family residence or multi-family dwelling, as defined herein, are required to ~~may~~ register for collection service with GSWA or subscribe to private garbage collection services. Applicants for new service, including existing customers of the Guam Waterworks Authority (GWA), shall be enrolled with GSWA. Applicants, including those seeking an exemption, shall enroll with GSWA by submitting a completed GSWA registration form, paying in full any balance from a previous account, and providing proof of residency (rental lease, title or deed, power/water bills) along with valid identification (driver's license, passport, or government of Guam issued identification card). ~~by submitting a completed GSWA registration form, paying in full any balance from a previous account and providing proof of residency (rental lease, title or deed, power/water bills) and a valid identification (driver's license, passport, or government of Guam issued identification card).~~

(1) Customers are required to draw or verify as detailed a map as possible of the location of their residence.

(2) Each new or returning customer will be provided ~~written~~ information as to how to properly participate in GSWA's collection service.

(3) ~~Customers will also be provided a large colored paper with a number on it to guide the collection crew to the location at which the carts will be delivered.~~ Upon delivering the carts, the location will be recorded using the Global Position Satellite (GPS~~W~~) coordinates. Customers may obtain a second cart for an additional cost.

(b) Coordination with Guam Waterworks Authority. GWA shall provide applicants with GSWA registration forms and submit completed forms to GSWA for processing. The applicant is solely responsible for establishing services for their residential property.

(c) Customers who qualify for financial assistance may apply under the Customer Assistance Program described in § 5204.

(d) Exemptions. Owners may annually petition GSWA for an exemption to the requirements of 10 GCA § 51A1103 by completing a GSWA Exemption Application Form and submitting all required supporting documentation, as long as:

(1) The owner provides a valid lease agreement showing that the lessee/tenant is obligated under the lease to subscribe for collection service, and the exemption shall remain in effect only so long as the lease remains valid and in force. However, any such arrangement shall

not affect the owner's obligation to ensure subscription for garbage collection services and the associated payment for such services;

(2) The building with a valid occupancy permit is vacant;

(3) The building is occupied but not expected to generate any form of municipal solid waste;

(4) There is a contract for weekly collection services with a permitted private collection hauler; or

(5) The owner or lessee of a residential building registers with GSWA as a self-hauler and utilizes the Residential Transfer Stations.

(e) Carts. GSWA shall provide carts to customers occupying single-family residences and multi-family ~~s~~dwelling, as defined herein, upon setting up an account with GSWA.

(f) Waste in Excess of Cart Capacity. If customers have ~~trash~~ solid waste exceeding cart capacity, it must be placed in trash bags and tagged with a GSWA excess trash tag. Upon registering for service with GSWA, customers will receive four (4) excess trash tags. Additional tags may be purchased from GSWA. Bagged ~~trash~~ solid waste without a tag will not be collected.

(g) Residential Transfer Stations. Customers who petition GSWA and are approved for self-hauling may transport their permitted municipal solid waste to residential transfer stations.

(1) All permitted loads received shall be assessed with the appropriate rates as approved by the Public Utilities Commission.

(2) Customers shall present their GSWA account information at the time of disposal to ensure that GSWA properly records their compliance with Public Law 38-39.

(3) GSWA may determine what can be dropped at Transfer Station

(h) Bulky Waste. Subscribers with accounts in good standing may receive up to two (2) free permissible bulky waste services each calendar year, which may be scheduled curbside collections. ~~Residential customers with accounts in good standing may receive up to two (2) free bulky waste collections each calendar year.~~

(1) Bulky waste collection shall be made by appointment only by ~~calling the GSWA Customer Call Center~~ contacting GSWA Customer Service.

(2) Bulky waste scheduled for collection shall be placed at the curb in the same general vicinity where they put their carts out for collection unless explicitly permitted by the customer to access their property.

(A) Customers are allowed to place up to five (5) bulky items at the curb for each scheduled collection.

(B) Any additional collections in excess of the two (2) allowed herein shall be made for an additional cost as assessed by GSWA.

(3) Non-GSWA customers may also make an appointment for bulky waste collection or self-haul to residential transfer stations as long as they are located in a residential unit and pay the assessed collection fee.

(i) Grading, Demolition, and Construction Waste. Construction and demolition waste are not permitted at the Layon Landfill, except during an emergency period or a declaration of emergency, when GSWA may accept such waste. GSWA will refer generators of this type of waste to permitted facilities

(j) Recyclables. If requested, a separate recycling cart will be delivered at no additional cost, which will be collected ~~twice~~ at least once per month unless otherwise modified by GSWA and transported to a permitted recycling processor. These carts will be collected on the same day as the customers' trash carts are collected.

(k) Responsibilities at Point of Collection. Collection crew shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle, provided that the solid waste was stored in compliance with these rules and regulations.

(1) Any spillage or displaced solid waste occurring prior to the arrival of the solid waste collectors at the point of collection shall be the responsibility of the customer.

(2) Any spillage or displaced litter caused as a result of the duties of the solid waste collectors shall be collected and placed in the transportation vehicle by the solid waste collectors.

(3) Any solid waste collected shall, upon being loaded into transportation equipment, become the property of the collector.

(A) Solid waste collectors shall not be required to reach into solid waste containers to remove contents.

(B) Authorized containers emptied by solid waste collectors shall be returned to the point of collection."

Section 8. § 5203 of Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:

"Section 5203. Residential Tipping Fees and Delinquent Accounts.

(a) Tipping fees shall be set pursuant to 10 GCA §§ ~~51A104(d) and~~ 51A301.

(b) During the first week of each month, GSWA will invoice~~bills~~ for the most recent previous month of service.

(c) All bills are due and payable upon presentation. Payment should be made at financial institutions designated by the GSWA, to authorized representatives or agents, as well as other utility/government agencies specified by GSWA, or through GSWA's online bill pay system.

(d) After thirty (30) days from the billing date, any unpaid balance shall be considered late and shall result in a reminder call to the customer.

(e) Accounts with any unpaid balance after sixty (60) days from the billing date shall be provided written notice notifying customers that GSWA shall pursue all available legal remedies to collect the unpaid balance ~~service shall be discontinued~~ unless the accounts are brought current within thirty (30) days of the date of said written notice. If accounts are not brought current or a payment extension has not been arranged within the thirty-day written notice, GSWA shall pursue all available legal remedies to collect the unpaid balance, including referral of the account to a collection agency, civil action, and recovery of costs of collection as permitted by law including attorney's fees~~the carts shall be removed from the customer's location.~~

~~(f) Restoration of service following collection of the account.~~

~~(1) Whenever any delinquent customer, whose service has been discontinued pays the sum due plus pre-payment of an additional month of service,~~

~~(2) and a reinstatement fee, service shall be restored and collection will occur at the next regularly scheduled pick up date.~~

~~(3) Delinquent customers shall be responsible for any reasonable collection costs incurred by GSWA.~~

~~(g) Restoration of service following collection of the account by a collection agency. In the event GSWA refers a delinquent account to a collection agency, service shall be restored upon payment of the total sum due, one month's tipping fee and a reinstatement fee.~~

(f) Unrecovered or unrepairable carts. Customers shall be responsible for the cost of a new cart in cases where the cart is deemed ~~to replace any~~ unrecovered or unrepairable due to negligence. eCarts damaged as a result of normal wear and tear will not incur charges for replacement. ~~issued to them before service may be restored.~~

(g) Under certain circumstances, customers may seek a reduction in the amount of tipping fees owed. Customers who can show that they have had their service missed substantially during any given month may request a meeting with the GSWA Manager or designated representative to seek a reduction in charges.

(h) Nonprofit 501(c) organizations, as defined by the U.S. Internal Revenue Code, seeking to perform community-wide cleanups on public property on a non-regular basis may seek from the GSWA Manager or designated representative, a reduction or elimination of the tipping fees for specified containers or hauling vehicles.

(i) ~~Insufficient funds (NSF)~~ checks. GSWA shall be allowed to recover a fee as set forth in the Schedule of Rates and Charges for each instance where a customer tenders payment for GSWA service with an insufficient funds check.

(1) When the GSWA is notified by the customer's bank that there are insufficient funds to cover the check tendered for GSWA service, GSWA shall make a diligent effort to contact the customer, either in person or by telephone, to inform the customer of the inadequate payment. GSWA may, at its discretion, require the customer to make payment in cash, money order, certified check, or other means that guarantee the customer's payment to GSWA.

(2) A customer who tenders an insufficient check shall in no way be relieved of the obligation to render payment to GSWA under the original terms of the bill, nor defer GSWA's provision for termination of service for nonpayment of bills.

(3) When a customer tenders an insufficient check and does not clear the check after being notified by GSWA, GSWA shall debit the account for the written amount plus a service charge as set forth in the Schedule of Rates and Charges.

(j) Residential customers may pay their bills with credit cards but may be assessed the fee charged by credit card companies.

(k) Non-permissible reason to deny or terminate service.

(1) GSWA may not deny or terminate service for delinquency in payment for services rendered to a prior customer at the premises where service is being provided,

(A) except if it can be determined that there is intent between the parties to circumvent the provisions of these rules and regulations

(B) and where the prior customer continues to reside on the premises.

(2) The account holder shall be held responsible for all fees associated with the service.

(l) The customer shall be responsible to keep GSWA informed of; ~~the customer's most recent billing address.~~

(1) Any bill which is not paid on or before the specified due date after presentation or deposit in the United States Mail shall be deemed delinquent and collection service shall be subject to the provisions of GSWA's discontinuation of service as set forth herein.

(2) Failure to receive bills or notices which have been properly placed in the United States Mail shall not prevent such bills from becoming delinquent nor relieve the customer of his obligations therein.

(3) Charges for service commence when the customer signs up for collection service, whether used or not."

Section 9. § 5204 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5204. Customer Assistance Program**.

(a) Residential customers may be eligible for the Customer Assistance Program if they meet at least one of the following criteria:

(1) The customer is eligible or receiving Supplemental Nutrition Assistance Program (SNAP/food stamps);

(2) The customer is eligible or receiving Medicaid;

(3) The customer is eligible or receiving Supplemental Security Income (SSI) or

(4) The customer is eligible or receiving Special Supplemental Nutrition Program for the Women, Infants, and Children (WIC) Program.

(b) Eligible customers shall complete a GSWA Customer Assistance Application form and submit it along with acceptable proof of eligibility, such as a current benefit letter, award notice, or other official documentation verifying participation in one (1) of the qualifying programs listed.

(c) Customers who participate in the Customer Assistance Program shall be subject to annual renewal and shall provide proof of continued eligibility at the time of renewal.

(d) Legislative appropriation, grants, or other external subsidies shall fund the Customer Assistance Program. GSWA revenues shall not be used to fund this program unless specifically approved by the Public Utilities Commission (PUC). Funding shall be distributed equally among all program participants until such funds are exhausted."

Section 10. § 5205 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5205 Prohibitions**

The owner and occupant of property are each responsible for ensuring that solid waste on the property is stored and set out for collection in compliance with the Rules and Regulations. A person must not:

(a) Remove solid waste from one property and deposit it on another property;
(b) Place solid waste from one property into any container that belongs to the owner or occupant of another property or has been issued for the use of the occupants of another property;

(c) Set out solid waste for collection from a property unless the solid waste originates from that property;

(d) Place any solid waste that has not been designated as recyclable into a container designated as eligible exclusively for recyclable waste, or place waste that has not been designated as compostable waste into a container designated as eligible exclusively for compostable waste;

(e) Place any solid waste designated as special waste or non-collectible waste into a container designated as eligible exclusively for garbage;

(f) Scavenge, pick through, or remove solid waste that is located at a solid waste disposal site without the authorization of the General Manager;

(g) Scavenge, pick through or remove solid waste that is placed in the street in an eligible container for collection unless he or she is the owner or occupant of the property with respect to which the container has been issued, or who has the permission of the owner or occupant of the property on which the solid waste is located;

(h) Place solid waste in a street for collection in a manner or in a location that poses a hazard."

Section 11. § 5206 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5206. Penalty**

"(a) All persons subject to the subscription requirements set forth in 10 GCA § 51A1103 shall promptly and fully comply with such requirements in accordance with applicable law. Failure to subscribe as required shall constitute a violation of 10 GCA § 51A1103.

(b) Failure to subscribe in violation of 10 GCA § 51A1103 shall be subject to a cumulative penalty of fifty dollars ($50.00) per month, accruing from the date subscription was required until the date of compliance.

(c) For purposes of calculating the cumulative penalty, a partial month shall be treated as a full month. The penalty shall begin to accrue on the first day following the date subscription was required and shall continue to accrue through and including the date of full compliance.

(d) Written notice shall be provided to any person found to be in violation of the subscription requirements. Such notice shall specify: (i) the nature of the violation; (ii) the date subscription was required; (iii) the amount of penalty accrued as of the date of the notice; and (iv) instructions for achieving compliance.

(e) Penalties shall be paid by check, money order, or electronic funds transfer to the Guam Solid Waste Authority as specified in the notice of non-compliance.

(f) The General Manager may waive or reduce penalties upon a showing that: (i) the violation resulted from circumstances beyond the customer's control; (ii) the customer made good faith efforts to comply; or (iii) payment would cause undue hardship.

Section 12. § 5207 is hereby *added* to Article 2, Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"**§ 5207. Appeals Process**

Any customer assessed a penalty may appeal in accordance with the Administrative Adjudication Act."

Section 13. § 5302 of Article 3, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read:is hereby *amended* to read:

"§ 5302. Commercial Tipping Fees and Delinquent Accounts.

(a) Tipping fees shall be set pursuant to 10 GCA §§ 51A104(d) and 51A301.

(b) During the first week of each month, GSWA will invoice~~bills~~ for the most recent previous month of service.

(c) All bills are due and payable upon presentation.

(1) Payment should be made at financial institutions designated by the GSWA, to an authorized representative or agent, as well as other utility/government agencies specified by GSWA.

(2) Designated financial institutions and authorized representatives or agents shall be listed on customer billings and the GSWA website.

(d) After ~~thirty (30)~~ sixty (60) days from the billing date, any unpaid balance shall be considered late and shall result in a reminder call to the customer.

(e) Accounts with any unpaid balance after sixty (60) days from the billing date shall be provided written notice notifying customers that service shall be discontinued unless the accounts are brought current or a payment extension has been arranged within thirty (30) days of the date of said written notice.

(1) ~~If accounts are not brought current within the thirty-day written notice, the account will enter a thirty (30) day termination period~~.

~~(2)~~ At the beginning of the thirty (30) day period, a public announcement will be made of the pending termination to allow the customers of the pending termination of their contracted haulers to make other arrangements for the proper disposal of their ~~trash~~ solid waste.

(2)~~(3)~~ Termination shall be accomplished by barring the delinquent commercial hauler from using the disposal facilities.

(f) Restoration of service following collection of delinquent accounts. Upon payment of all outstanding account balances, along with a bond (or security deposit) equivalent to the twelve (12) months' tipping fees incurred by the delinquent commercial customer and a reinstatement fee, service shall be restored."

(g) Liability of commercial haulers for payment of unpaid bills remains the responsibility of the haulers even if services are not restored. Delinquent commercial haulers shall also be responsible for any reasonable collection costs incurred.

Section 14. § 5504 of Article 5, Chapter 5, Title 28, Guam Administrative Rules and Regulations is hereby *amended* to read

"§5504. If the radioactive material is brought to the facilities in a private or non-GSWA government vehicle, the waste will not be accepted and the hauler can either:

(a) have GSWA place the material ~~placed~~ in a secure container until the radiation subsides and the material can be properly disposed for a fee (which is charged by properly permitted private entities that accept such waste); or

(b) leave the facilities and have matter handled separately by properly trained and permitted personnel selected by the hauler owning the vehicle in which the radioactive material is detected."

Section 15. A new Article 6 is hereby *added* to Chapter 5, Title 28, Guam Administrative Rules and Regulations to read:

"§5601. Purpose.

Solid waste collection, transfer, and disposal are essential public services affecting the health, safety, and welfare of the people of Guam, and must continue, resume, or be restored as promptly as conditions permit whenever an emergency threatens or strikes the island. The purpose of this Article is to vest in the General Manager the authority to determine when, where, and which GSWA personnel shall report to work before, during, and after a declaration of emergency, so that GSWA may prepare its facilities and equipment, protect its personnel, and restore service without interruption or delay.

§5602. Authority of the General Manager to Determine Reporting of Personnel.

(a) Notwithstanding any regularly established work schedule, the Manager is authorized to determine when, where, and which GSWA personnel shall report to work before, during, and after a declaration of emergency, including any period in which a declaration of emergency is reasonably anticipated.

(b) In exercising the authority granted by this Article, the Manager may:

(1) require designated personnel to report to work, remain at work, or return to work before, during, or after an emergency period, including outside regularly scheduled hours and on days off or holidays;

(2) release personnel from duty, in whole or in part, and close, in whole or in part, any GSWA facility or operation;

(3) modify work schedules, shifts, duty stations, and reporting locations, and temporarily reassign personnel to duties reasonably within their capabilities as emergency conditions require;

(4) stagger or delay reporting times to permit the safe return of personnel to work following an emergency; and

(5) take such other actions concerning the reporting and release of personnel as are reasonably necessary to prepare for, respond to, and recover from the emergency.

(c) Determinations of the Manager under this Article shall be consistent with any executive order, proclamation, or directive of the Governor of Guam governing the release or reporting of government of Guam employees, provided that the Manager may require essential personnel to report to or remain at work notwithstanding a general release of government employees.

(d) The Manager shall not require any employee to report to or remain at work where doing so would expose the employee to unreasonable danger to life or safety.

§5603. Designation of Essential Personnel.

The Manager shall designate those positions or employees who constitute essential personnel. Designations may be made annually, by standing order, or at any time before or during an emergency period, and may be modified as conditions require.

§ 5604. Duty of Employees to Comply.

An employee who is directed to report to, remain at, or return to work pursuant to this Article shall comply with such direction. Unexcused failure to comply may constitute grounds for adverse action in accordance with GSWA's personnel rules and regulations. An employee prevented from complying by conditions beyond the employee's control shall notify his/her supervisor as soon as practicable."

Section 16. Effective Date. These Rules and Regulations shall take effect upon enactment.

Section 17. Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or applications, and to this end, all provisions of these regulations are declared to be severable.

CAMACHO TAITANO LLP
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Hagåtña, Guam 96910
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Attorney Work Product — Privileged & Confidential

MEMORANDUM

TO: Guam Solid Waste Authority
FROM: Camacho & Taitano LLP
DATE: August 11, 2026
RE: Summary of Amendments — GSWA Rules & Regulations

Overview

The proposed Rules and Regulations align current operations with the requirements of an islandwide collection and establish the framework needed to implement it. This memo summarizes the substantive amendments to Guam Solid Waste Authority's Rules and Regulations.

The draft (1) establishes mandatory collection service, registration and exemption process; (2) adds customer assistance and enforcement provisions (3) strengthens GSWA's delinquency and collection remedies; and (4) adds an emergency operations framework.

Substantive Amendments

§ 5104 (Responsibility). The landfill is re-described as a "Subtitle D" landfill. More substantively, the prior mandatory-outsourcing language is deleted and replaced so that GSWA may either operate and manage the Layon Landfill directly or outsource operation and management to a private operator, rather than the prior text treating outsourcing as the default.

§ 5105 (Schedule of Rates and Charges). The "free of charge ... on a 'Schedule of Rates and Charges' form" language is deleted; rates and charges now "shall be publicized on the GSWA website."

§ 5106 (Collection of Solid Wastes). Two substantive additions:

- **New subsection (d) — Collection Intervals; Emergency Modification.** Authorizes GSWA, upon an emergency declaration by the GSWA Manager or the Governor, to modify, suspend, or adjust collection times, days, or frequency as necessary.
- **Subsection (g) — Grading, Demolition and Construction Wastes.** Reverses the prior position. The old text ("GSWA will not accept such waste ... generators will be referred to ... private commercial haulers") is deleted and replaced with language providing that GSWA accepts special solid waste, and that during a declared emergency or emergency period GSWA may accept construction or demolition waste at the Layon Landfill.

§ 5107 (Definitions). New or reworked defined terms include Declaration of emergency, Emergency period, Essential personnel, Household, Low-Income Household, and Mandatory Collection Service. Collection Service is tightened to include "removal and transportation ... to designated disposal facilities"; and Special solid waste now cross-references "Book 7 of the Layon Landfill Operating Permit."

Registration, Exemptions, and Service (§ 5201 series). This is the most heavily revised operational portion of the draft:

- **Registration (a) becomes mandatory.** The permissive "Residents ... may register" is replaced with "All eligible owners or lessees ... are required to register for collection service," and a full enrollment process is added (completed GSWA form, payment of any prior balance, proof of residency, and valid identification), expressly including existing GWA customers and exemption applicants.
- **New (b) Coordination with Guam Waterworks Authority.** GWA distributes GSWA registration forms and forwards completed forms to GSWA; the applicant remains solely responsible for establishing service.
- **New (c)** cross-refers financially qualifying customers to the new Customer Assistance Program (§ 5204).
- **New (d) Exemptions.** Owners may annually petition for an exemption from mandatory collection services on any of five grounds: a lease obligating the tenant to subscribe; a vacant building with a valid occupancy permit; an occupied building not expected to generate municipal solid waste; a contract for weekly service with a permitted private hauler; or registration as a self-hauler using the Residential Transfer Stations.
- **New (g) Residential Transfer Stations.** Adds self-haul provisions on permitted loads, assessed fee, and presentation of GSWA account information to record compliance with mandatory islandwide collection.

- **(h) Bulky Waste** reworded to "up to two (2) free permissible bulky waste services each calendar year," scheduled by contacting GSWA Customer Service (formerly "calling the GSWA Customer Call Center"); non-GSWA customers may also self-haul to residential transfer stations.
- **(j) Recyclables** collection frequency changed from "twice" per month to "at least once per month unless otherwise modified by GSWA."

Billing and Delinquency. The central change is to the delinquency remedy: on any balance unpaid after sixty (60) days, the prior cart-removal and multi-step restoration-of-service provisions are deleted and replaced with language that GSWA "shall pursue all available legal remedies to collect the unpaid balance, including referral of the account to a collection agency, civil action, and recovery of costs of collection as permitted by law including attorney's fees." Cart-replacement liability is reworded to distinguish negligence (customer pays) from normal wear and tear (no charge).

New § 5204 (Customer Assistance Program). Residential customers are eligible if they qualify for or receive SNAP, Medicaid, SSI, or WIC. Applicants file a GSWA Customer Assistance Application with proof of eligibility, subject to annual renewal. The program is funded by legislative appropriation, grants, or other external subsidies, not GSWA revenue absent PUC approval, and funds are distributed equally among participants until exhausted.

New § 5205 (Prohibitions). Makes owners and occupants jointly responsible for compliant storage and set-out, and prohibits, among other things, moving waste from one property to another, using containers issued to another property, setting out waste that did not originate at the property, mis-sorting recyclable/compostable containers, scavenging at disposal sites or curbside, and placing waste in a manner or location that poses a hazard.

New § 5206 (Penalty). Failure to subscribe carries a cumulative penalty of $50.00 per month, accruing from the date subscription was required until compliance, with a partial month treated as a full month. Requires written notice specifying the violation, the date subscription was required, the penalty accrued, and instructions for compliance; sets payment methods; and permits the General Manager to waive or reduce penalties for circumstances beyond the customer's control, good-faith compliance efforts, or undue hardship.

New § 5207 (Appeals Process). A customer assessed a penalty may appeal in accordance with the Administrative Adjudication Act.

Commercial-Hauler / Disposal-Facility Provisions. In the billing provisions governing commercial haulers, the late-balance trigger is changed from thirty (30) to sixty (60) days; a payment-extension option is added before service termination; and the thirty (30) day termination-period is deleted.

Personnel. A new Article 6 is added to authorize the General Manager to determine when, where and which employees report to work during a declaration of emergency.

Si Yu'os Ma'åse,

SHANNON TAITANO

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

September 30, 2026

In accordance with 5 GCA § 9303(a)(2), the Guam Solid Waste Authority submitted for my review and approval its proposed Administrative Rules and Regulations. These proposed rules and regulations were required by Public Law No. 36-118.

The submission included:

- One duplicate printed copy
- One electronic copy
- A copy of the agency record, including the transcript of the public hearing, as required by law
- Preliminary Cost Impact Assessments

Please note that the estimated economic impact of the proposed rule changes does not exceed the Five Hundred Thousand Dollar ($500,000) threshold established under the Administrative Adjudication Law (AAL).

Pursuant to 5 GCA § 9303(a)(4), after review of the submitted documents, I approve the proposed administrative rules and regulations.

Senseramente,

JOSHUA F. TENORIO
Åkto Maga'låhen Guåhan
Acting Governor of Guam

RICARDO J. BORDALLO GOVERNOR'S COMPLEX
513 W. Marine Corps Drive Hagåtña, Guam 96910
governor.guam.gov | (671) 472-8931

November 5, 2026

Irvin L. Slike
General Manager
Guam Solid Waste Authority
546 N. Marine Corps Drive
Tamuning, Guam 96913

Re: AG No. 26-0939 / Request for Legal Opinion & Approval as to Legality and Compliance of GSWA's Proposed Rules and Regulations

Dear Mr. Slike:

I have reviewed the file submitted to me containing the record of the public meetings, proposed Rules and Regulations, and the Preliminary Cost Impact Statement submitted to us on October 29th of 2026.

It is my opinion that your future submission of this material to the Office of Governor and the Speaker of the Guam Legislature would meet the requirements of Title 5 GCA Chapter 9 and is also in accordance with the Guam's Organic Act.

Sincerely,

Douglas B. Moylan
Attorney General of Guam

Office of the Attorney General
Douglas B. Moylan · Attorney General of Guam

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