

**22 GAR - GUAM ENVIRONMENTAL PROTECTION AGENCY
DIV. 4 - SOLID WASTE REGULATIONS
CH. 24 - RECYCLING**

**CHAPTER 24
RECYCLING**

- Article 1 Guam's Recycling Rules and Regulations
- Article 2 Guam's Recycling Revolving Fund

**ARTICLE 1
GUAM'S RECYCLING RULES AND REGULATIONS**

SOURCE: Entire Article added by P.L. 29-019:VI:100 (Sep. 29, 2007) as Article 5 of Chapter 23 of Title 22 GAR; moved to Chapter 24 and renumbered by the Compiler pursuant to authority granted by 1 GCA § 1606.

- Subarticle 1 General Provisions
- Subarticle 2 Recycling Revolving Fund
- Subarticle 3 Recycling Fees
- Subarticle 4 Payment of Recycling Fees
- Subarticle 5 Importers of Tires, Batteries, Motorized Vehicle, Heavy Equipments, and White Goods for Resale
- Subarticle 6 Recycling Centers
- Subarticle 7 Recycling Facilities

**SUBARTICLE 1
GENERAL PROVISIONS**

2023 NOTE: Added as Part A (§§ 23501.1-23501.4) by P.L. 29-019:VI:100 (Sep. 29, 2007), designated as Subarticle 1 and renumbered by the Compiler pursuant to authority granted by 1 GCA § 1606.

- § 24101.1. Purpose, Scope, and Applicability.
- § 24101.2. Definitions.
- § 24101.3. Compliance and Inspections.
- § 24101.4. Penalties and Fines.

§ 24101.1. Purpose, Scope, and Applicability.

(a) The purpose of this Article is to establish the minimum standards to implement Guam's Recycling Law, Article 5 of

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Chapter 51, Division 2, Part 2, Title 10, Guam Code Annotated (GCA) which was repealed and reenacted by P.L. 28-171 (Feb. 1, 2007).

(b) The scope of this Article is to establish minimum standards that provide a mechanism for the collection of recycling fees levied through the vehicle registration system, and for the administering of the Recycling Revolving Fund (“the Fund”).

(c) This Article shall apply to: Any person renewing their annual motor vehicle registration with the Department of Revenue and Taxation.

§ 24101.2. Definitions.

For the purposes of this Article, except as otherwise provided, the following words and phrases, together with all of the common derivations thereof, shall have the meaning ascribed to them as follows:

(a) “Administrator” shall mean the Administrator of the Guam Environmental Protection Agency (GEPA), or his or her designee.

(b) “DPW” shall mean the Department of Public Works.

(c) “DRT” shall mean the Department of Revenue and Taxation

(d) “Director” shall mean the Director of the Department of Public Works.

(e) “Recycling fee” shall mean the annual fee levied upon the registered owner of a motor vehicle to assist in the recycling and disposal of motor vehicles and other recyclable materials in accordance with this article.

(f) “Enameled White Goods” or “White Goods” shall mean appliances, with or without enamel, for home or commercial use including, but not limited to, refrigerators, water heaters, air conditioners, washers, dryers, and stoves

(g) “GEPA” shall mean the Guam Environmental Protection Agency.

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(h) “Gross Vehicle Weight” or “Gross Vehicle Weight Rating” shall mean the value specified by the manufacturer as the loaded weight of a single vehicle

(i) “Heavy Equipment” shall mean any equipment, motor vehicle or motor carrier, or non-road motor vehicle with a gross weight or gross vehicle weight of five (5) tons or more.

(j) “Junk Vehicles” means a motor vehicle, regardless of operating condition that the registered owner has declared to have no value or no use, or that is abandoned by being placed, discarded, or disposed of on public or private property without approval by owners of said property for more than seven (7) calendar days. Or that is no longer registered in accordance with Chapter 7 of Title 16 GCA.

(k) “Motor Vehicle” or “motorized vehicle” shall mean automobiles, automobile truck, automobile wagon, buses, trucks, motorcycles or other self propelled wheeled conveyance that will be primarily for use on Guam’s public streets, roads, and highways that are required to be registered with the Motor Vehicles Division, Department of Revenue and Taxation, Government of Guam.

(l) “Municipal Solid Waste” is a subset of solid waste and is defined as durable goods (e.g., appliance, batteries, tires), nondurable goods (e.g., newspapers, books, magazines), containers and packaging, food wastes, yard trimmings, and miscellaneous organic wastes from residential, commercial and industrial non-process sources.

(m) “Imported Vehicle” or “Imported Motor Vehicle” shall mean a motor vehicle that has no prior record of having been registered in Guam.

(n) “Person” shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any agency, department, or instrumentality of the Federal or local government, or any other legal representatives, agents or assigns.

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(o) “Recovered Resources” shall mean material or solid waste that has been diverted from disposal for the purpose of recycling or bioconversion. This term does not include those materials that are generated and normally reused on-site for manufacturing purposes.

(p) “Recycle” or “Recycling” means the method by which recovered resources are converted for use as raw materials or feedstock to make new products as defined in § 51102(35) of Chapter 52 of Title 10 GCA.

(q) “Recyclable Materials” means materials that still have useful physical or chemical properties after serving a specific purpose for the same or other purpose. Recyclable materials are as follows:

- (1) Batteries (i.e., lead-acid, portable computer batteries, nickel-cadmium, sealed types for power backup);
- (2) Automobiles, buses, and trucks or any form of motorized vehicle;
- (3) Tires (passenger/commercial);
- (4) Enameled white goods;
- (5) Home appliances (other small appliances that are not considered enameled white goods);
- (6) Glass and plastic bottles;
- (7) Foam padding;
- (8) Lead;
- (9) Metals (ferrous/non-ferrous);
- (10) Organic material (i.e., tree trimmings, palm fronds, grass, food waste, soiled cardboard);
- (11) Paper products;
- (12) Wood pallets and scrap wood;
- (13) Construction and demolition debris (‘C&D’);

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- (14) X-ray film;
- (15) Automobile oil and fluids;
- (16) Freon and other refrigerant gases;
- (17) Electronic waste (i.e., computers, circuit boards, televisions, and portable phones);
- (18) Heavy equipment; and
- (19) Other recyclable materials deemed recyclable by GEPA pursuant to this Article.

(r) “Recycling Company” shall mean any business licensed by the Department of Revenue and Taxation, and issued a permit, as required in Section 51104 of Chapter 51 of Title 10 of the Guam Code Annotated, from the Guam Environmental Protection Agency to conduct business on Guam.

(s) “Recycling Facility” shall mean all contiguous land, structures, and other appurtenances, and improvements on the land used for the collection, separation, recovery, and sale or reuse of recovered resources that would otherwise be disposed of as municipal solid waste, and is an integral part of a manufacturing process aimed at producing a marketable product made of post consumer material. Recycling Facility may be considered a “recycling center” upon DPW’s approval.

(t) “Responsible Official” shall mean

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or an authorized representative of such person if the representative is responsible for the overall operation of one (1) or more manufacturing, production or operation facilities applying for or subject to the requirements of this Article;

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(2) For a partnership or sole proprietorship: a general partner of the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency: a principal executive officer, ranking elected official, or an authorized representative as approved by the Administrator.

§ 24101.3. Compliance and Inspections.

(a) DPW and GEPA are authorized to conduct inspections of recycling centers, recycling facilities, and inspect and obtain records of importers and dealers, and any applicable facility or documentations required to verify compliance with this Article. Inspections shall be conducted by DPW and GEPA during the company's normal hours of operation.

§ 24101.4. Penalties and Fines.

(a) Any person who violates any provision of this Article shall be subject to the penalties provided for in Section 51115 of Article 1, Chapter 51, Division 2, Part 2 of Title 10 of the Guam Code Annotated.

SUBARTICLE 2
RECYCLING REVOLVING FUND

2023 NOTE: Added as Part B (§§ 23502.1-23502.2) by P.L. 29-019:VI:100 (Sep. 29, 2007), renumbered and designated as Subarticle 2 by the Compiler pursuant to authority granted by 1 GCA § 1606.

§ 24102.1. Administration of Recycling Revolving Fund.

§ 24102.2. Adjustment of Recycling Fees.

§ 24102.1. Administration of Recycling Revolving Fund.

The administration of the recycling revolving fund as authorized in § 51504 of Article 5 of Chapter 52 of Division 2 of Title 10, GCA, which was repealed and reenacted by P.L. 28-171, and is as follows:

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(a) The Director of Public Works shall administer the fund and shall encumber all amounts available in the fund as expeditiously as possible for the purpose of assisting and encouraging recycling of recyclable materials.

(b) Monies in the Fund shall be used to cause the following material/waste to be recycled or otherwise disposed according to the following priority:

(1) First priority – junk vehicles, tires, batteries, waste oil, white goods/appliances,

(2) Second priority – paper, cardboard, plastic and glass,

(3) Third priority – other recyclable materials as determined by the director.

(4) Not more than one (1) FTE employee at Guam Environmental Protection Agency to administer this article.

(c) The Director, no later than ten (10) days after each end of each fiscal year, shall transfer from the recycling Revolving Fund three percent (3%) of the total amount collected during the first fiscal year to fund (1) FTE at the Guam Environmental Protection Agency. The funds shall be subject to audits by the public auditor.

(d) All revenues generated by the collection of the recycling fees in accordance with § 24103.2 of this Article, shall be deposited into the “Recycling Revolving Fund”, hereinafter referred to as “Fund.”

(e) Monies in the Fund shall be administered, managed, and maintained by the Director of Public Works, or his designee, for the implementation of this Article.

(f) DPW is authorized, in accordance with the applicable procurement laws, to enter into contract with recycling companies for the collection, recycling, disposal and processing or any combination thereof, of recyclable materials as stated in article [See 2023 Note below]

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(g) Monies in the Fund shall be used to fund recycling operations, recycling events, and recycling projects, including contracts with recycling companies, project management, administrative, and public outreach.

2023 NOTE: As added by P.L. 29-019:VI:100, subsection (f) did not include any reference to a specific article number.

§ 24102.2. Adjustment of Recycling Fees.

This section shall be implemented in accordance with § 51508 Article 5 of Chapter 51 of Division 2, Title 10, GCA, which was repealed and reenacted by P.L. 28-171.

SUBARTICLE 3
RECYCLING FEES

2023 NOTE: Added as Part C (§§ 23503.1-23503.2) by P.L. 29-019:VI:100 (Sep. 29, 2007), renumbered and designated as Subarticle 3 by the Compiler pursuant to authority granted by 1 GCA § 1606.

- § 24103.1. Schedule of Recycling Fees.
- § 24103.2. Collection of Fees.
- § 24103.3. Notice of Recycling Fee Payment.

§ 24103.1. Schedule of Recycling Fees.

(a) The recycling fees shall be implemented in accordance with § 51508 Article 5 of Chapter 51 of Division 2, Title 10, GCA, which was repealed and reenacted by P.L. 28-171, and are imposed as follows:

(1) Twenty Five Dollars (\$25.00) annually for each automobile, bus and truck registered by the Department of Revenue and Taxation through the annual vehicle registration system.

(2) Three Dollars (\$3.00) for each motorcycle and trailer registered by the Department of Revenue and Taxation through annual vehicle registration system.

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(3) Thirty Dollars (\$30.00) for each piece of heavy equipment registered by the Department of Revenue and Taxation through annual vehicle registration system.

§ 24103.2. Collection of Fees.

(a) Department of Revenue and Taxation Division of Motor Vehicles hereinafter referred to as “DRT” shall be responsible for the collection of the recycling fees as specified in § 24103.1. of this article on persons who are renewing their annual motor vehicle registration through the vehicle registration system.

(b) Payment of recycling fees shall be in accordance with § 24104.1. of this Article.

(c) DRT shall collect fees during the registration process and annual renewal of vehicle registration.

(d) DRT shall record all payments of fees and provide a record copy of the paid fee through the vehicle registration form.

(e) DRT shall transmit all fees collected to DPW in compliance with § 51505 Article 5 of Chapter 51 of Division 2, Title 10, GCA, which was repealed and reenacted by P.L. 28-017.

(f) Director of DPW shall deposit the monies transmitted by DRT in the Recycling Revolving Fund in compliance with § 51505 Article 5 of Chapter 51 of Division 2, Title 10, GCA, which was repealed and reenacted by P.L. 28-017.

§ 24103.3. Notice of Recycling Fee Payment.

(a) Vehicle Registration form(s) issued to a person shall reflect, as a line item, the recycling fee that has been paid by the person as specified in § 24103.1. of this article.

SUBARTICLE 4
PAYMENT OF RECYCLING FEES

2023 NOTE: Added as Part D (§§ 23504.1-23504.4) by P.L. 29-019:VI:100 (Sep. 29, 2007), renumbered and designated as Subarticle 4 by the Compiler pursuant to authority granted by 1 GCA § 1606.

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- § 24104.1. Dealers of Automobiles, Bus, Trucks, Motorcycles, Heavy Equipments and other Motor Vehicles.
- § 24104.2. Annual Renewal of Vehicle Registration.
- § 24104.3. Recordkeeping Requirements.
- § 24104.4. Reporting Requirements.

§ 24104.1. Dealers of Automobiles, Bus, Trucks, Motorcycles, Heavy Equipments and other Motor Vehicles.

(a) Upon the effective date of this Article, dealers shall be responsible for the payments of the recycling fee as established through this article for imported automobiles, bus, trucks, motor cycles, heavy equipments and other motor vehicles, upon registration of the motor vehicles.

(1) The recycling fee identified in § 24103.1. shall be paid to the Department of Revenue and Taxation, Division of Motor Vehicles.

(2) All checks must be payable to Treasurer of Guam c/o the Recycling Revolving Fund.

(3) Payment must be made prior to obtaining vehicle registration and Certificate of Ownership issued by the Department of Revenue and Taxation, Division of Motor Vehicles.

(4) In accordance with § 24103.3., a statement of proof that such recycling fee has been paid on the vehicle must appear as a separate line item on every Annual Vehicle Registration Form and the Certificate of Ownership Form issued for the vehicle by the Department of Revenue and Taxation, Division of Motor Vehicle. The statement on these forms must be substantially equivalent to the following:

“Recycling Fee Paid per Article 5 of Chapter 51 of 10
GCA”

§ 24104.2. Annual Renewals of Vehicle Registration.

(a) Upon the effective date of this Article, person(s) who owns a motorized vehicle shall be responsible for the payments of

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the recycling fee, as established through this article, upon the annual renewal of the registration of the motor vehicles.

(1) The recycling fee identified in § 24103.1. shall be paid to the Department of Revenue and Taxation, Division of Motor Vehicles.

(2) All checks must be payable to Treasurer of Guam c/o the Recycling Revolving Fund.

(3) Payment must be made prior to obtaining vehicle registration and Certificate of Ownership issued by the Department of Revenue and Taxation, Division of Motor Vehicles.

(4) In accordance with § 24103.3., a statement of proof that such recycling fee has been paid on the vehicle must appear as a separate line item on every Annual Vehicle Registration Form and the Certificate of Ownership Form issued for the vehicle by the Department of Revenue and Taxation, Division of Motor Vehicle. The statement on these forms must be substantially equivalent to the following:

“Recycling Fee Paid per Article 5 of Chapter 51 of 10
GCA”

§ 24104.3. Recordkeeping Requirements.

(a) DRT shall maintain records for at least five (5) years reflecting the following:

(1) Number of motor vehicles registered during the fiscal year according to the motor vehicle and recycling fee identified in § 24103.1.

(2) Transmittal records of recycling fees transmitted by DRT to DPW

(b) DPW shall maintain records of transmittals and receipt copies for at least (5) years reflecting the following:

(1) Transmittal records of fees transmitted by DRT to DPW

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(2) Receipts copies for deposits of the fees in the Recycling Revolving Fund

(c) Records shall be made available, upon request, for inspection and copying by DPW or the Public Auditor's or its representative. Any information marked or clearly labeled proprietary information shall be kept confidential by DPW or the Public Auditor and shall not be disclosed to any person, except as otherwise permitted by law.

§ 24104.4. Reporting Requirements.

(a) DRT shall submit to DPW, on or before January 15th of each year, annual summary reports of the records required to be kept in § 24104.3.(a)(1) for the previous year.

SUBARTICLE 5
IMPORTERS OF TIRES, BATTERIES, MOTORIZED VEHICLE,
HEAVY EQUIPMENTS, AND WHITE GOODS FOR RESALE

2023 NOTE: Added as Part E (§§ 23505.1-23505.3) by P.L. 29-019:VI:100 (Sep. 29, 2007), renumbered and designated as Subarticle 5 by the Compiler pursuant to authority granted by 1 GCA § 1606.

- § 24105.1. Registration Requirement.
- § 24105.2. Recordkeeping Requirements.
- § 24105.3. Reporting Requirements.

§ 24105.1. Registration Requirement.

(a) Within 30 days upon the effective date of this Article, all importers of white goods, batteries, tires, motorized vehicles including but to limited to heavy equipments for the purpose of resale, shall register with the DPW using the DPW Registration Forms, and shall notify the DPW of any change in address, or responsible official.

(b) Any person who desires to import white goods, batteries, tires, motorized vehicles including but to limited to heavy equipments for the purpose of resale shall register with the DPW

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using the DPW Registration Forms no later than one month prior to the commencement of the business.

(c) DPW Registration Forms shall include, but is not limited to, the following information:

(1) The legal name (s), mailing address, business address, contact person's name and position title, and telephone and fax numbers of the owner and, if applicable, or its duly authorized representative;

(2) Tax Identification Number of Business;

(3) Copy of Guam's Business License;

(4) Types of recyclable material imported for resale by your company;

(5) Process of receipt of payment to consumer upon sale of recyclable material; and

(6) Print and Signature of the businesses' "Responsible Official"

(d) Upon review of Registration Request and documentations received, DPW shall, within 30 days, approve and issue a DPW Registered Recycling Material Importer of the specified recyclable material as stated in registration request.

§ 24105.2. Recordkeeping Requirements.

(a) Records shall be maintained for at least five (5) years reflecting the following:

(1) Quantities and type of recyclable materials imported. Copies of shipment records may be use to satisfy this requirement;

(2) Copies of paid receipts from CQA;

(3) Quantities and type of recyclable materials exported for distribution to other islands. Copies of shipment records that verify date, type, and quantity exported out of Guam may be used to satisfy this requirement;

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(4) Quantities and type of recyclable materials exported for remanufacturing. Copies of shipment records for these shipments that verify date, type, and quantity exported may be used to satisfy this requirement. In addition, copies of receipt by company receiving recyclable materials for remanufacturing may be used to satisfy this requirement; and

(5) Quantities of remanufactured recyclable materials imported for resale. Copies of shipment records for these shipments that verify date, type, and quantity imported may be used to satisfy this requirement.

(b) These records shall be made available, upon request, for inspection and copying by DPW, or its representative. Any information marked or clearly labeled proprietary information shall be kept confidential by DPW and shall not be disclosed to any person, except as otherwise permitted by law.

§ 24105.3. Reporting Requirements.

Importers shall submit, on or before January 15th of each year, annual summary reports of the records required to be kept in § 24105.3. for the previous year.

SUBARTICLE 6
RECYCLING CENTERS

2023 NOTE: Added as Part F (§§ 23506.1-23506.7) by P.L. 29-019:VI:100 (Sep. 29, 2007), renumbered and designated as Subarticle 6 by the Compiler pursuant to authority granted by 1 GCA § 1606.

- § 24106.1. Acceptance of Recyclable Materials for Recycling.
- § 24106.2. Requirements for Certified Recycling Centers.
- § 24106.3. Application for Certification.
- § 24106.4. Posting of Certification.
- § 24106.5. Load Inspection Requirements.
- § 24106.6. Transport of “recyclable materials” to Recycling Centers for Export.
- § 24106.7. Recordkeeping Requirements.
- § 24106.8. Reporting Requirements.

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§ 24106.1. Acceptance of Recyclable Materials for Recycling.

(a) Effective 12 months after the implementation of this Article, DPW certified recycling centers shall accept recyclable materials for the purpose of recycling by persons who verifies proof of payment of recycling fee on said recyclable material.

§ 24106.2. Requirements for Certified Recycling Centers.

(a) Recycling centers shall be certified by the Department of Public Works, Solid Waste Management Division.

(b) Recycling centers shall have GEPA Solid Waste Management Permits issued in accordance to § 51114 of 10 GCA Chapter 51. GEPA Solid Waste Management Permits applicable to the operations of the Certified Recycling Center, includes, but not limited to, collections and storage permits.

(c) Certification shall be effective for a period of five (5) years following the date of approval by DPW.

(d) Applicants shall re-certify the recycling center thirty (30) days before expiration of the current certification.

§ 24106.3. Application for Certification.

(a) Upon the effective date of this Article, all proposed recycling centers must submit an application for certification for each Recycling Center site. Applications for certification shall be prepared on forms provided by DPW and shall include, but not limited to, the following information:

(1) All application forms must be completed and signed by the *responsible official* of the recycling center. The application form must include, but is not limited to, the following information:

(A) The legal name(s), mailing address, street address, contact person's name and position title, and telephone and fax numbers of the owner and, if applicable, its duly authorized representative;

(B) A copy of the Guam business license;

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(C) The specific type of *recyclable material* that will be accepted and provided a refund value; and

(D) Operation Plans of the Recycling Center must include, but not limited to the following:

(i) Map identifying location of the recycling center;

(ii) Recycling center site layout;

(iii) Method of Incoming load inspection;

(iv) Location and storage of recyclable materials redeemed;

(v) Good House Keeping Practices;

(vi) Recordkeeping and reporting;

(vii) Packaging, transport, and delivery to recycling centers for processing and shipment;

(viii) Other applicable scope of services provided; and

(ix) Other information the Director of DPW determines to be appropriate.

(b) DPW Director shall approve or deny application request, if the application and supporting information clearly shows that the issuance, thereof, does not pose a threat to the environment, public health or welfare, or compliance with the implementation of this Article.

(c) The DPW issued certification is neither transferable nor assignable to any other person, company, recycling center, or location.

(d) Applicants shall submit new applications to DPW if:

(1) The location of a recycling center changes;

(2) The operator, owner, or responsible official changes;

or

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(3) Changes occur in operations of a redemption center,
and

(4) Request must be submitted in forms established by
DPW and must be signed by a Responsible Official.

(e) New applications shall be approved by DPW before the
recycling center changes its operations.

(f) Applicants shall notify DPW thirty (30) days prior to
voluntary termination of certified recycling center activities.

(g) The certificate shall be kept on file at the recycling center
site.

(h) The certificate is property of DPW and shall be returned
to the department upon decertification, revocation, invalidation,
expiration of certification, or voluntary termination.

§ 24106.4. Posting of Certification.

(a) Copies of DPW Certification of Recycling Centers shall
be prominently displayed where costumers approaching the center
can view it.

(b) A certification sign shall not be displayed at a recycling
center that is not certified by DPW.

§ 24106.5. Load Inspection Requirements.

(a) Recycling Centers staff shall visually inspect each load of
recyclable materials for which is to be accepted by the recycling
center. All inspections shall be recorded in an incoming log sheet
with the following information:

(1) Date and Time of incoming load;

(2) Vehicle license no. and license no. of the operator of
the vehicle;

(3) Type and Quantity of recyclable material being
returned for refund; and

(4) Name and signature of person inspecting load.

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§ 24106.6. Transport of “recyclable materials” to Recycling Centers for Export.

(a) Final dispositions of collected and process recyclable materials shall be at any DPW Solid Waste Management Storage or Processing Permitted Facility, or off-island to a recycling company. Recycling Centers shall provide documentation as to the final disposition of recyclable material collected from recycling centers.

(b) Recycling centers that transport recyclable materials to recycling facilities or for shipment shall do so in accordance with the DPW Solid Waste Management Certification for Collection, or may contract a DPW Solid Waste Management Facility permitted for collection.

(c) All transport of recyclable materials outside of the Recycling Center or for shipment, shall record the date, time, recyclable material type and quantity being removed from recycling center. Record of receipt of recyclable material by Recycling Facility must be signed by a responsible official, or his or her designee. Trip Tickets may be used to satisfy this requirement if the information specified are recorded.

§ 24106.7. Recordkeeping Requirements.

(a) Records shall be maintained for at least five (5) years reflecting the following:

(1) Log sheets of incoming recyclable materials received by the recycling company to include the information required of this Article;

(2) Quantities of recyclable material, weight, and type of recyclable materials transported out of the certified recycling center to a DPW certified recycling facility or transported for shipment to off- island recycling companies. Copies of trip tickets, shipment records, and receipt records from the DPW certified facility or off-island recycling company of final disposition, that verify date, type, and quantity may be used to satisfy this requirement.

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(b) These records shall be made available, upon request, for inspection and copying by DPW, or its representative. Any information marked or clearly labeled proprietary information shall be kept confidential by DPW and shall not be disclosed to any person, except as otherwise permitted by law.

§ 24106.8. Reporting Requirements.

(a) On a monthly basis, recycling centers shall submit monthly summary reports to GEPA and DPW using report forms prescribed by the Department. Report information shall include, but not be limited to, the following:

(1) The quantity or weight of each type of recyclable material accepted at the recycling facility for the previous month;

(2) A summary of the quantity or weight of each recyclable material type transported out of the recycling center and received by a DPW certified Recycling Facility; or exported to a recycling company.

SUBARTICLE 7
RECYCLING FACILITIES

2023 NOTE: Added as Part G (§§ 23507.1-23507.4) by P.L. 29-019:VI:100 (Sep. 29, 2007), renumbered and designated as Subarticle 7 by the Compiler pursuant to authority granted by 1 GCA § 1606.

- § 24107.1. Permit Requirements.
- § 24107.2. Load Inspections Requirements.
- § 24107.3. Recordkeeping Requirements.
- § 24107.4. Reporting Requirements.

§ 24107.1. Permit Requirements.

(a) All recycling facilities receiving recyclable materials from recycling centers shall have GEPA Solid Waste Management Permits issued in accordance to Section 51114 of Title 10 GCA Chapter 51. GEPA Solid Waste Management Permits applicable to the operations of the Recycling Facility,

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includes, but not limited to, collections, storage, and processing permits.

§ 24107.2. Load Inspections Requirements.

(a) Recycling facilities staff shall visually inspect each load of recyclable materials for which is to be accepted by the recycling facilities. All inspections shall be recorded in an incoming log sheet with the following information:

- (1) Date and Time of incoming load;
- (2) Vehicle license no. and license no. of the operator of the vehicle;
- (3) Type and Quantity of recyclable material being returned for refund; and
- (4) Name and signature of person inspecting load.

§ 24107.3. Recordkeeping Requirements.

(a) Records shall be maintained for at least three (3) years reflecting the following:

- (1) Log sheets of incoming recyclable materials received by the recycling facility from a certified recycling center to include the information required in § 24107.2. of this Article;
- (2) Quantities of recyclable material, by weight, and type of recyclable materials received by certified recycling center; and
- (3) Quantities of recyclable material, by weight, and type of recyclable material, transported to a DPW certified recycling facility or transported for shipment to off-island recycling companies. Copies of trip tickets, shipment records, and receipt records from the DPW certified facility or off-island recycling company of final disposition, that verify date, type, and quantity may be used to satisfy this requirement.

(b) These records shall be made available, upon request, for inspection and copying by DPW, or its representative. Any

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information marked or clearly labeled proprietary information shall be kept confidential by DPW and shall not be disclosed to any person, except as otherwise permitted by law.

§ 24107.4. Reporting Requirements.

(a) On a monthly basis, recycling facilities shall submit monthly summary reports to DPW using report forms prescribed by the DPW. Report information shall include, but not be limited to, the following:

(1) A summary of the quantity or weight of each type of recyclable material accepted at the recycling facility for the previous month from certified recycling centers; and

(2) A summary of the quantity or weight of each recyclable material type transported out of the recycling facility and received by a DPW Certified Recycling Facility, or exported to an off-island recycling company.

ARTICLE 2
GUAM'S RECYCLING REVOLVING FUND

SOURCE: Entire Article added by P.L. 35-037:1 (Oct. 3, 2019) as Article 3 of Chapter 24 of Title 22 GAR; renumbered to Article 2 by the Compiler pursuant to authority granted by 1 GCA § 1606. Entire Article amended by P.L. 36-115:4 (Oct. 12, 2022).

- Subarticle 1 General Provisions
- Subarticle 2 Administration and Planning of the Recycling Revolving Fund
- Subarticle 3 Community Zero Waste and Recycling Initiatives

SUBARTICLE 1
GENERAL PROVISIONS

- § 24201.1. Purpose and Applicability.
- § 24201.2. Definitions.
- § 24201.3. Fees.

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§ 24201.4. General Terms and Conditions for Use of Recycling Revolving Funds.

§ 24201.1. Purpose and Applicability.

The purpose of this Chapter is to clarify existing statute, provide a uniform competitive business environment to all, and establish the minimum standards to properly implement and administer Guam's Recycling Revolving Fund in accordance with Title 10 GCA, Chapter 51, Article 3, under the authority granted by 10 GCA § 51306(c).

2023 NOTE: As added by P.L. 35-037:1 (Oct. 3, 2019) and amended by P.L. 36-115:4 (Oct. 12, 2022), this provision erroneously cited 10 GCA § 51307(c); however, this manifest error was corrected to § 51306(c) pursuant to the authority of 1 GCA § 1606.

§ 24201.2. Definitions.

For the purposes of this Chapter, the terms defined in Title 10 GCA, Chapter 51, Article 3, § 51301 shall have the meaning ascribed to them therein, and the following words and phrases together with all of the common derivations thereof, shall have the meaning ascribed to them as follows:

(a) "Administrator" shall mean the Administrator of the Guam Environmental Protection Agency, or designee.

(b) "Beneficial Use" shall mean the substitution of materials, either as generated or following additional processing, for some or all of the virgin materials in a natural or commercial product in a way that provides a functional benefit, meets product specifications, and does not pose concerns to human health or the environment.

(c) "Best Available Technology" shall mean a recognized and approved technology by United States Environmental Protection Agency.

(d) "Board" shall mean the Board of Directors of the Guam Environmental Protection Agency.

(e) "Compost" or "Composting" shall mean a mixture, consisting primarily of decayed organic matter and is used

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for fertilizing and conditioning land or converting a material, such as plant debris, to compost.

(f) “DPW” shall mean the Department of Public Works.

(g) “Director” shall mean the Director of the Department of Public Works.

(h) “Disaster Debris” shall mean any items and materials broken, destroyed or displaced by a natural or man-made federally or locally declared disaster. Examples of disaster debris include, but are not limited to, trees, construction and demolition material and personal property.

(i) “Disaster Debris Management” shall mean the removal and disposal of debris that was generated by a disaster and which presents an immediate threat to the public interest.

(j) “Electronic Waste” or “E-Waste” shall mean electrical and electronic equipment that is dependent on electric currents or electromagnetic fields in order to function (including all components, subassemblies and consumables, which are part of the original equipment at the time of discarding). E-waste may include, but is not limited to, consumer electronics entertainment devices, televisions, DVD players, and tuners, office devices, information and communications technology, computers, circuit boards, telephones, and mobile phones.

(k) “Enameled White Goods” shall mean appliances for home or commercial use including, but not limited to, refrigerators, water heaters, air conditioners, washers, dryers, and stoves.

(l) “Extended User Responsibility” shall mean policies or practices that place a shared responsibility for end-of-life product management on producers and other entities involved in the product chain.

(m) “GEPA” or “Guam EPA” shall mean the Guam Environmental Protection Agency.

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(n) “Gross Vehicle Weight” or “Gross Vehicle Weight Rating” means the value specified by the manufacturer as the loaded weight of a single vehicle.

(o) “Heavy Equipment” shall mean any equipment, motor vehicle or motor carrier, or non-road motor vehicle with a gross weight or gross vehicle weight of five (5) tons or more.

(p) “Junk Vehicle” means a motor vehicle, regardless of operating condition, that the registered owner has declared to have no value or no use, or that is abandoned by being placed, discarded, or disposed of on public or private property without approval by owners of said property, or that is no longer registered in accordance with Chapter 7 of Title 16 GCA.

(q) “Motor Vehicle” or “Motorized Vehicle” shall mean automobiles, automobile trucks, automobile wagons, buses, trucks, motorcycles, or other self-propelled wheeled conveyances that are primarily for use on Guam’s public streets, roads, and highways that are required to be registered with the Motor Vehicles Division, Department of Revenue and Taxation, Government of Guam.

(r) “Municipal Solid Waste” is a subset of solid waste and is defined as durable goods (e.g., appliances, batteries, tires), nondurable goods (e.g., newspapers, books, magazines), containers and packaging, food wastes, yard trimmings, and miscellaneous organic wastes from residential, commercial, and industrial non-process sources.

(s) “Person” or “Persons” shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any agency, department, or instrumentality of the Federal or local government, or any other legal representatives, agents or assigns.

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(t) “Priority Materials” shall mean all those materials identified by the Fund, in the order specified in § 24202 (b) of this Article.

(u) “Recovered Resources” shall mean material or solid waste that has been diverted from disposal for the purpose of recycling, composting or mulching. This term does not include incineration or those materials that are generated and normally reused on-site for manufacturing purposes.

(v) “Recyclable Materials” means materials that still have useful physical or chemical properties after serving a specific purpose for the same or other purpose. Recyclable materials are as follows:

- (1) batteries (i.e., lead-acid, portable computer batteries, nickel-cadmium, sealed types for power backup);
- (2) automobiles, buses, and trucks or any motor vehicle;
- (3) tires (passenger/commercial);
- (4) enameled white goods;
- (5) home appliances (other small appliances that are not considered enameled white goods);
- (6) glass and plastic bottles;
- (7) foam padding;
- (8) lead;
- (9) metals (ferrous/non-ferrous);
- (10) organic material (i.e., tree trimmings, palm fronds, grass, food waste, soiled cardboard);
- (11) paper products;
- (12) wood pallets and scrap wood;
- (13) construction and demolition debris (‘C&D’);
- (14) x-ray film;

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- (15) automobile oil and fluids;
- (16) freon and other refrigerant gases;
- (17) electronic waste (i.e., computers, circuit boards, televisions, and portable phones);
- (18) heavy equipment;
- (19) abandoned derelict vessels; and
- (20) other recyclable materials deemed recyclable by Guam EPA pursuant to its rules and regulations.

(w) “Recycle or Recycling” means a method by which recovered resources are converted for use as raw materials or feedstock to make new products, as defined in § 51102(ii) of Chapter 51 of Title 10 GCA.

(x) “Recycling Company” shall mean any business licensed by the Department of Revenue and Taxation, and permitted, as required in § 51104 of Chapter 51 of Title 10 GCA, by the Guam Environmental Protection Agency to conduct business on Guam.

(y) “Recycling Facility” shall mean all contiguous land, structures, and other appurtenances, and improvements on land used for the collection, separation, recovery, and sale or reuse of recovered resources that would otherwise be disposed of as municipal solid waste, and is an integral part of a manufacturing process aimed at producing a marketable product made of post-consumer material.

(z) “Recycling Fee” shall mean an annual fee levied upon the registered owner of a motor vehicle to assist in the recycling and disposal of motor vehicles and other recyclable materials in accordance with this Chapter.

(aa) “Recycling Industry Economic Stimulus Program” shall mean a program that provides economic stimulus to local recycling companies that ship recyclable materials off island.

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(bb) “Solid Waste Management Facility” means any facility, or any machinery, equipment, vehicles, structures or any part of accessories thereof installed or acquired for the primary purpose of collection, transportation, storage, recycling, processing or disposal of solid waste, and shall include sanitary landfills or resource recovery facilities.

(cc) “Stimulus Certification Form” shall mean a form officially issued by Guam EPA to be completed by the Economic Stimulus Program Participants to disclose and certify the types and quantities of recyclable materials shipped off-island to a recycling facility.

(dd) “Sustainable Materials Management” means a systemic approach to using and reusing materials more productively over their entire lifecycles.

(ee) “Special Waste” means white goods, household hazardous waste, automotive batteries and abandoned vehicles.

(ff) “Upcycle” or “Upcycling” shall mean to recycle material in such a way that the resulting product is of a higher value than the component materials.

(gg) “Zero Waste” means a holistic approach to addressing the problem of unsustainable resource flows. Zero Waste encompasses waste eliminated at the source through product design and producer responsibility, and waste reduction strategies further down the supply chain such as recycling, reuse and composting.

SOURCE: Added by P.L. 35-037:1 (Oct. 3, 2019) and renumbered pursuant to authority granted by 1 GCA § 1606. Amended by P.L. 36-115:4 (Oct. 12, 2023).

§ 24201.3. Fees.

(a) The Recycling Fees authorized in § 51305 of Article 3, Chapter 51, 10 GCA are hereby imposed as follows:

(1) Twenty-Five Dollars (\$25.00) annually for each automobile, bus, and truck registered by the Department of

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Revenue and Taxation through the annual vehicle registration system.

(2) Three Dollars (\$3.00) for each motorcycle and trailer registered by the Department of Revenue and Taxation through the annual vehicle registration system.

(3) Thirty Dollars (\$30.00) for each piece of heavy equipment registered by the Department of Revenue and Taxation through the annual vehicle registration system.

(b) The Recycling Fee in Subsection (a)(1) shall be waived upon initial issuance and subsequent renewal of vehicle license and registration for any veteran determined by the U.S. Department of Veterans Affairs (USDVA) to be 100% Disabled or Individually Unemployable due to military service-connected injuries. The fee shall be waived for one (1) non-commercial passenger vehicle, which includes sedans, coupes, pick-up trucks, motorcycles, and station wagons manufactured primarily to carry passengers, and including those passenger cars pulling other light trailers registered to the veteran, or legal guardian applying for benefits under this Section. A document issued by the USDVA or a U.S. military ID card, which certifies the disability rating, must be furnished to the Department of Revenue and Taxation in order to waive the annual Recycling Fee.

SOURCE: Added as § 24301.3 by P.L. 36-115:4 (Oct. 12, 2023), renumbered and subsection designations added/alterd pursuant to the authority of 1 GCA § 1606.

§ 24201.4. General Terms and Conditions for Use of Recycling Revolving Funds.

(a) All proposals for use of funds shall be submitted to the Board and Administrator for review and approval, before the expenditure of funds that are subject to availability. Award amounts are final. Reimbursement for additional costs are not allowed.

(b) Prior to submitting bids or grant proposals, potential recipients of funds shall obtain environmental regulatory compliance, ethics, and other relevant training provided by Guam

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EPA or a designated provider. Required permits shall be obtained as a condition for the use of funds.

(c) Performance Targets. Projects shall meet performance/waste diversion targets as determined by the Administrator.

(d) Reporting Requirements. Reports and deliverables shall be presented biannually to the Board and posted on Guam EPA's website.

(e) Ethical Requirement. All recipients of funds from the Recycling Revolving Fund shall complete ethics training sponsored by the Ethics Commission, or a designated provider, and shall attest to spending funds according to ethical requirements under Guam law. Non-compliance of ethics, in addition to other remedies allowed under Guam law, can result in termination of the award and barring of future application for grants for a minimum period of two (2) years upon the findings of non-compliance by the Ethics Commission or, in the absence of the Ethics Commission, by the Board.

SOURCE: Added as § 24301.4 by P.L. 36-115:4 (Oct. 12, 2023), renumbered pursuant to the authority of 1 GCA § 1606. Amended by P.L. 36-115:4 (Oct. 12, 2023).

SUBARTICLE 2
ADMINISTRATION AND PLANNING OF THE RECYCLING
REVOLVING FUND

- § 24202.1. Administration of the Recycling Revolving Fund.
- § 24202.2. Planning of Recycling Revolving Fund.

§ 24202.1. Administration of the Recycling Revolving Fund.

(a) Monies in the Recycling Revolving Fund shall be administered, managed, and maintained by the GEPA Administrator to implement 10 GCA Chapter 51, Article 3, in accordance with the requirements of the Article.

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(b) The Administrator may use the Fund for the purposes described under §§ 24202 and 24203 of this Chapter with the following priorities:

- (1) First Priority: junk vehicles, tires, batteries, waste oil, white goods/appliances;
- (2) Second Priority: paper, cardboard, plastic and glass;
- (3) Third Priority: other recyclables as determined by the Administrator, and

(c) The Administrator shall determine the funding for each recycling and zero waste initiatives and submit the determination to the Guam EPA Board of Directors for approval by March 31st of the current fiscal year and approved funding will be effective on the following fiscal year.

(d) The Administrator is authorized to spend ten percent (10%) of the Fund to administer and implement this Chapter. Funds may be used for:

- (1) operational costs directly related to recycling and zero waste initiatives for the Solid Waste Management Program, which includes, but is not limited to, personnel, supplies, equipment, and training of staff;
- (2) compliance training for prospective recipients of funds of the Recycling Revolving Fund; and the
- (3) implementation of a zero waste and recycling program for government and the community in accordance with Article 3, Chapter 51 of Title 10 Guam Code Annotated.

SOURCE: Added as § 24302 by P.L. 35-037:1 (Oct. 3, 2019), renumbered pursuant to authority granted by 1 GCA § 1606. Renumbered and amended by P.L. 36-115:4 (Oct. 12, 2023).

§ 24202.2. Planning of Recycling Revolving Fund.

(a) The Administrator may approve contracts between the Department of Public Works (DPW) or the Mayors Council of Guam (MCOG) and recycling companies for the collection, recycling, zero waste initiatives, interim storage, disposal and processing, or any combination thereof, of automobiles, buses,

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heavy equipment, trucks, batteries, tires, white goods, and other recyclable materials in accordance with Articles 3 and 4 of Chapter 51, Title 10 GCA, and § 24203.1(b) of this Chapter, to implement an Island-wide Environmental Cleanup Program (IECP) on behalf of the Mayors Council of Guam with the following conditions: [No text. See 2023 Note below.]

(b) In addition to amounts specified in 10 GCA, Chapter 51, § 51303(a)(1)(A), upon approval by the Board, the Administrator is authorized to spend up to Two Hundred Thousand Dollars (\$200,000) to either procure professional and technical services, pursuant to the Guam Procurement Law, or to fund grants to update and further develop the Guam Zero Waste Masterplan and holistic implementation plan to reach zero waste targets of fifty percent (50%) and seventy-five percent (75%) waste reduction by 2035 and 2045, respectively; to evaluate the effectiveness of zero waste and recycling programs; and/or to research other areas deemed a priority by the Administrator. Grants are awarded through a competitive process using established criteria by the Board and Administrator.

SOURCE: Added as § 24302.2 by P.L. 36-115:4 (Oct. 12, 2022), renumbered pursuant to authority granted by 1 GCA § 1606.

2023 NOTE: No additional text followed the colon in subsection (a).

SUBARTICLE 3
COMMUNITY ZERO WASTE RECYCLING INITIATIVES

- § 24203.1. Mayor’s Council of Guam (MCOG) Island-wide Environmental Cleanup Program (IECP).
- § 24203.2. Recycling Industry Economic Stimulus Program; Applicability and Eligibility.
- § 24203.3. Recycling Industry Economic Stimulus Program; Payment Calculation.
- § 24203.4. Guam Beverage Container Recycling. [Reserved.]
- § 24203.5. Integrated Solid Waste Management Plan. [Reserved.]
- § 24203.6. Green Waste Plan – Composting and Organics. [Reserved.]

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- § 24203.7. Disaster Debris Management. [Reserved.]
- § 24203.8. Zero Waste Grant Program. [Reserved.]
- § 24303.9. Guam Solid Waste Authority Residential Recycling Program. [Reserved.]

§ 24203.1. Mayor’s Council of Guam (MCOG) Island-wide Environmental Cleanup Program (IECP).

(a) The Administrator may approve contracts between the Department of Public Works (DPW) or the Mayors Council of Guam (MCOG) and recycling companies for the collection, recycling, zero waste initiatives, interim storage, disposal and processing or any combination thereof, of automobiles, buses, heavy equipment, trucks, batteries, tires, white goods, and other recyclable materials in accordance with Articles 3 and 4 of Title 10 GCA, Chapter 51, and § 24203.1(b) of this chapter, to implement an Island-wide Environmental Cleanup Program (IECP) on behalf of the Mayors Council of Guam with the following conditions:

- (1) All applicable procurement laws must be followed;
- (2) Each contract must be conditioned upon proof that the recycling company has current permits for the work it is to perform, including, but not limited to, solid waste facility permits, solid waste collection permits, certifications, or other permits or licenses required to collect, remove, recycle or dispose of solid waste;
- (3) Each contract must be conditioned upon compliance with all solid waste rules and regulations; and
- (4) Each contract must require the recycling company to report all recyclables collected per village under this program to Guam EPA upon submittal of invoices to DPW or MCOG, as outlined in the contract approved by the Administrator, for payment.

(b) In each fiscal year, prior to any collection, processing, or storage of recyclable materials under a contract pursuant to this section, a comprehensive *Operation Plan* for the contractual work described in § 24303.1(a) must be submitted by DPW or MCOG,

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as outlined in the contract approved by the Administrator, to Guam EPA and receive approval from the Administrator. The Administrator shall only approve the *Operation Plan* if the *Operation Plan* contains in detail the operational systems that address collection, processing, storage, emergency procedures, health and safety, reporting and closeout procedures for each municipality.

(c) The Administrator may use funds to support the recycling and zero waste initiatives in this Section subject to the following conditions:

(1) Funds may be expended only in accordance with valid contracts approved under this Section;

(2) No funds shall be disbursed prior to the Administrator's approval of the *Operation Plan* described in § 24303.1(b); and

(3) Unused funds must be returned to the Recycling Revolving Fund every fiscal year.

SOURCE: Added by P.L. 35-037:1 (Oct. 3, 2019) and renumbered pursuant to authority granted by 1 GCA § 1606. Amended by P.L. 36-115:4 (Oct. 12, 2023).

§ 24203.2. Recycling Industry Economic Stimulus Program; Applicability and Eligibility.

(a) Potential Recycling Industry Economic Stimulus Program Participants must establish eligibility by meeting all of the following criteria:

(1) Possess a valid license from the Guam Department of Revenue and Taxation to conduct business on Guam;

(2) Possess a valid solid waste management facility permit from Guam EPA for processing and storage;

(3) Provide a bill of lading or similar documentation detailing the types of recyclable materials shipped, quantity in tons, and name of receiving facility;

(4) Complete and submit all applicable Stimulus Certification Forms provided by Guam EPA; and

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(5) Remain in compliance with all solid waste rules and regulations.

(b) Only recyclable materials generated on Guam are eligible for payments under this Section. Recyclable materials imported into Guam for purposes such as, but not limited to, transit, transshipment, or consolidation shall not qualify under this Program.

SOURCE: Added by P.L. 35-037:1 (Oct. 3, 2019) and renumbered pursuant to authority granted by 1 GCA § 1606. Amended by P.L. 36-115:4 (Oct. 12, 2023).

§ 24203.3. Recycling Industry Economic Stimulus Program Payment Calculation.

(a) Recycling Industry Economic Stimulus Program participants who establish eligibility by meeting all the criteria specified in § 24203.2(a) may receive an economic stimulus payment for each ton of recyclable material transported off Guam to a recycling facility.

(b) Stimulus payments will be made in the order that completed forms are received by Guam EPA until approved funding has been exhausted.

(c) By March 31st of each year, the Administrator may select the eligible recycling materials for the next fiscal year based on global market trends, and submit a written recommendation to the Board for its approval. If the Board does not approve any eligible recycling materials for a particular year, no stimulus payments will be made in that year.

(d) Each year, the Administrator may determine the dollar amount per recyclable material to be disbursed to the eligible recycling facilities and submit a written recommendation to the Board for its approval. The dollar amount per recyclable material shall be based on factors, including the prioritization of materials, market conditions, economic analyses, and operational, transportation, and processing costs in its assessment, and;

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(1) A base stimulus payment calculation per recyclable material expressed as follows: Base Stimulus Payment [dollars per ton] = Shipping Cost - Market Price.

(A) “Shipping cost” is calculated using the World Freight Rates Freight Calculator or comparable shipping cost resource for port-to-port containerized ocean shipments and the USEPA Office of Resource Conservation and Recovery Volume-to-Weight Conversion Factors.

(B) “Market price” is equivalent to the RecycleNet scrap index or comparable market index material sale price on the first day of the quarter preceding the start of the next fiscal year.

(2) A stimulus payment may be issued for recyclable materials when the calculated Stimulus Payment exceeds zero dollars (\$0.00) per ton (i.e., stimulus will not be paid when the recycled material is revenue positive).

(3) The Administrator shall determine the funding levels of stimulus payments to be paid subject to the availability of funds and funding priorities.

(e) For the fiscal year beginning October 1, 2019, the Administrator may select the eligible materials, subject to Board approval and applicable stimulus payments.

§ 24203.4. Guam Beverage Container Recycling.

[Reserved.]

§ 24203.5. Integrated Solid Waste Management Plan.

[Reserved.]

§ 24203.6. Green Waste Plan – Composting and Organics.

[Reserved.]

§ 24303.7. Disaster Debris Management.

[Reserved.]

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§ 24203.8. Zero Waste Grant Program.

[Reserved.]

§ 24203.9. Guam Solid Waste Authority Residential Recycling Program.

[Reserved.]
