

1 **GUAM’S RECYCLING REVOLVING FUND**

2 **RULES AND REGULATIONS**

3 **Title 22, Division 4, Chapter 24, Article 3**

4
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- (c) **“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.

- (d) **“Board”** shall mean the Board of Directors of the Guam Environmental Protection Agency.

- (e) **“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). For example e-waste may include consumer/entertainment electronics such as televisions, DVD players and tuners; Devices of office, information and communications technology such as computers, circuit boards, telephones and mobile phones.

- (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”** or **“Guam EPA”** shall mean the Guam Environmental Protection Agency.

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- 2 (h) **“Heavy Equipment”** shall mean any equipment, motor vehicle or motor carrier,
- 3 or non-road motor vehicle with a gross weight or gross vehicle weight of five (5)
- 4 tons or more.
- 5
- 6 (i) **“Import”** shall mean to bring in, or accept delivery of recyclable materials from
- 7 any source outside of Guam.
- 8
- 9 (j) **“Junk Vehicle”** means a motor vehicle, regardless of operating condition, that
- 10 the registered owner has declared to have no value or no use, or that is
- 11 abandoned by being placed, discarded, or disposed of on public or private
- 12 property without approval by owners of said property for more than seven (7)
- 13 calendar days, or that is no longer registered in accordance with Chapter 7 of
- 14 Title 16 GCA.
- 15
- 16 (k) **“Motor Vehicle”** or **“Motorized Vehicle”** shall mean automobiles, automobile
- 17 truck, automobile wagon, buses, trucks, motorcycles or other self-propelled
- 18 wheeled conveyance that will be primarily for use on Guam’s public streets,
- 19 roads, and highways that are required to be registered with the Motor Vehicles
- 20 Division, Department of Revenue and Taxation, Government of Guam.
- 21
- 22 (l) **“Municipal Solid Waste”** is a subset of solid waste and is defined as durable
- 23 goods (e.g., appliances, batteries, tires), nondurable goods (e.g., newspapers,
- 24 books, magazines), containers and packaging, food wastes, yard trimmings, and
- 25 miscellaneous organic wastes from residential, commercial and industrial non-
- 26 process sources.
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(m) **“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.

(n) **“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.

(o) **“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 include the following:

- (1) Batteries (i.e., lead-acid, portable computer batteries, nickel-cadmium, sealed types for power backup);
- (2) Automobiles, buses, and trucks or any form 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);

- 1
- 2 (10) Organic materials (i.e., tree trimmings, palm fronds, grass, food
- 3 waste, soiled cardboard);
- 4 (11) Paper products;
- 5 (12) Wood pallets and scrap wood;
- 6 (13) Construction and demolition debris ("C&D");
- 7 (14) X-ray film;
- 8 (15) Automobile vehicle oil and fluids;
- 9 (16) Freon and other refrigerant gases;
- 10 (17) Electronic waste (i.e., computers, circuit boards, televisions, and
- 11 portable phones);
- 12 (18) Heavy equipment; and
- 13 (19) Other recyclable materials deemed recyclable by GEPA pursuant to
- 14 it Rules and Regulations.

15

16 (p) **"Recycle"** or **"Recycling"** means the method by which recovered resources are

17 converted for use as raw materials or feedstock to make new products as defined

18 in §51102 (ii) of Chapter 51 of Title 10 GCA.

19

20 (q) **"Recycling Company"** shall mean any business licensed by the Department of

21 Revenue and Taxation, and issued a solid waste management permit from the

22 Guam Environmental Protection Agency to conduct business on Guam, as

23 required in Title 10 of the Guam Code Annotated, Chapter 51, §51104.

24

25 (r) **"Recycling Industry Economic Stimulus Program"** shall mean Public 33-136,

26 which is codified under Title 10 of the Guam Code Annotated, Article 3, Chapter

27 51, §51308.

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

7
8 (t) **“Recycling Fee”** shall mean an annual fee levied upon the registered owner of a
9 motor vehicle to assist in the recycling and disposal of recyclable materials in
10 accordance with this Article.

11
12 (u) **“Solid Waste Management Facility”** means any facility, or any machinery,
13 equipment, vehicles, structures or any part of accessories thereof installed or
14 acquired for the primary purpose of: collection, transportation, storage,
15 recycling, processing or disposal of solid waste, and shall include sanitary
16 landfills or resource recovery facilities.

17
18 (v) **“Stimulus Certification Form”** shall mean a form officially issued by Guam EPA
19 as part of the Recycling Industry Economic Stimulus Program. The Form is to be
20 completed by the eligible Recycling Facility to disclose and certify the types and
21 quantities of recyclable materials shipped off-island to a recycling facility.

22
23 (w) **“Sustainable Materials Management”** means a systemic approach to using and
24 reusing materials more productively over their entire lifecycles.

25
26 (x) **“Zero Waste”** means a holistic approach to addressing the problem of
27 unsustainable resource flows. Zero Waste encompasses waste eliminated at the

1 source through product design and producer responsibility, and waste reduction
2 strategies further down the supply chain such as recycling, reuse and
3 composting.
4

5 **SECTION 24302. RECYCLING REVOLVING FUND**

- 6
- 7 (a) There is hereby established a Recycling Revolving Fund, hereinafter referred as “Fund”,
8 as established under Title 10, Guam Code Annotated, Chapter 51, §51302.
- 9 (b) All revenues generated from the collection of the “recycling fees”, as authorized in
10 accordance with Title 10, Guam Code Annotated, Chapter 51, §51305, including interest
11 earned, shall be deposited into the *Fund*.
- 12 (c) The *Fund* shall be a non-lapsing, revolving fund, and maintained separate and apart
13 from any other funds of the government of Guam.
- 14 (d) All recycling fees, reimbursements, assessments, forfeitures and other funds collected or
15 received pursuant to this Chapter shall be deposited in the *Fund*, and shall not lapse at
16 the end of the fiscal year, but shall roll over into the next fiscal year or until expended.
17

18 **§24302.1 Administration of Recycling Revolving Fund**

- 19 (a) Monies in the *Fund* shall be administered, managed, and maintained by the GEPA
20 Administrator, or his designee, for the implementation of this Chapter.
21
- 22 (b) Monies in the *Fund* shall be expended and/or encumbered to fund solid waste reduction,
23 reuse, recycling-related and green purchasing activities and operations, inclusive, but
24 not limited to, the following:
25

- 1) Continuation of the Recycling Industry Economic Stimulus Program in accordance with §24305;
- 2) Guam's Zero Waste Plan (2013) implementation;
- 3) Public outreach education, inclusive of trainings and workshops;
- 4) Program management, development and capacity building; and
- 5) Grants for schools, colleges and universities, businesses, government and non-governmental organizations for zero waste or recycling pilot projects.

(c) The Administrator shall administer the Fund in accordance with this Chapter to cause the following material/waste to be recycled 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 recyclables as determined by the Administrator

(d) In accordance with Title 10 Guam Code Annotated, Chapter 51, §51303. CONTINUING APPROPRIATION, as amended by Public Law 33-136, revenues from the Fund are appropriated to the Guam Environmental Protection Agency to fund the following:

- 1) The Recycling Industry Economic Stimulus Program
- 2) The Administrator, no later than 10 calendar days after the end of each fiscal year, shall transfer from the Recycling Revolving Fund, three percent (3%) of the total amount collected during that fiscal year to fund one (1) FTE employee at the Guam Environmental Protection Agency, Solid Waste Management Program, to administer 10 GCA, Chapter 51, Article 3.
- 3) Three-hundred thousand dollars (\$300,000) annually for Guam EPA to contract the professional and technical services of a private company in accordance with

1 5 GCA Chapter 5, to further develop and implement the priorities delineated in
2 the Guam Zero Waste Plan (2013).

- 3 4) One-hundred thousand dollars (\$100,000) annually for Guam EPA to contract
4 the professional services of a private company, in accordance with 5 GCA
5 Chapter 5, to conduct outreach and education, trainings and workshops, and
6 any activities that promote Zero Waste Plan implementation and recycling.

7
8 **SECTION 24303. LEVY AND COLLECTION OF RECYCLING FEES**

9 (a) The Director of Revenue and Taxation is authorized to levy a Recycling Fee on
10 individuals who are renewing their annual motor vehicle registration with the
11 Department of Revenue and Taxation Division of Motor Vehicles the vehicle
12 registration system.

13 (b) The Director of Revenue and Taxation shall collect the Recycling Fees mandated and
14 transmit the fees for deposit in the *Recycling Revolving Fund*.

15
16 **§24303.1. Schedule of Recycling Fees**

17
18 (a) The following recycling fees are hereby authorized in accessed on motor vehicles
19 imported into Guam:

- 20
21 (1) Twenty Five Dollars (\$25.00) for each automobile, bus, and truck;
22 (2) Three Dollars (\$3.00) for each motorcycle and trailer;
23 (3) Thirty Dollars (\$30.00) for each piece of heavy equipment.

24
25 (b) The Recycling Fee in §24303.1(a)(1) shall be waived upon initial issuance and
26 subsequent renewal of vehicle of license and registration for any Veteran determined by the
27 U.S. Department of Veteran Affairs (USDVA) to be 100% disabled or Individually
28 Unemployable due to military service connected injuries. The fee shall be waived for one (1)

1 non-commercial passenger vehicle, which includes sedans, coupes, pick-up trucks,
2 motorcycles and station wagons manufactured primarily for the purpose of carrying
3 passengers and including those passenger cars pulling other light trailers, registered to the
4 veteran, or legal guardian applying for benefits under this Section. A document issued by the
5 USDVA or a U.S. military ID card which certifies the disability rating, must be furnished to
6 the Department of Revenue and Taxation in order to waive the annual Recycling Fee.
7

8 **§24303.2. Adjustment of Recycling Fees**

9 The Guam Environmental Protection Agency Board of Directors shall review the fee
10 authorized by §51506, supra, every four (24) months and is authorized to adjust the fee by not
11 more than twenty fee percent (25%) in accordance with Administrative Adjudication Law.
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13

14 **SECTION 24304. AUTHORIZATION FOR THE MAYOR'S COUNCIL OF GUAM TO**
15 **CONTRACT WITH RECYCLING COMPANIES**

16
17 a) The Mayor's Council of Guam, in accordance with the applicable procurement laws
18 and with the approval of the Administrator, is authorized to enter into contracts
19 with recycling companies for the collection, recycling, disposal and processing, or
20 any combination thereof, of automobiles, buses, heavy equipment, trucks, batteries,
21 tires, white goods and other recyclable materials, and as required by or in
22 accordance with, Article 3 and 4 of Title 10 GCA, Chapter 51.
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24 b) The Mayor's Council of Guam shall require that all offerors include, as part of
25 written offers, proof of current approved permits, including solid waste facility
26 permits, and must be in compliance with all solid waste rules and regulations.

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SECTION 24305. RECYCLING INDUSTRY ECONOMIC STIMULUS PROGRAM

§24305.1. Applicability and Eligibility

- (a) This Program is applicable solely to recycling companies licensed by the Department of Revenue and Taxation to conduct business on Guam.
- (b) This Program applies to recyclable materials solely generated on Guam. Recyclable materials imported into Guam for purposes such as, but not limited to, transit or consolidation shall **not** qualify under this Program.
- (c) Recycling companies eligible to participate in this Program must meet all of the following criteria:
 - 1. Possess a valid Guam business license; and
 - 2. Possess a valid solid waste management facility permit for processing and storage from Guam Environmental Protection Agency of Guam; and
 - 3. Report recycling data to GEPA annually as required under the facility’s solid waste management facility; and
 - 4. Provide an official Bill of Lading or similar documentation detailing the types of recyclable materials, their quantity in tons and the name of the receiving facility; and
 - 5. Completion and submittal of the *Stimulus Certification Form* provided by Guam EPA; and
 - 6. Remain in compliance with all solid waste rules and regulations.

§24305.2. Economic Stimulus and Sustainability Recycling Adjustment Plan

- (a) Recycling companies who meet all the eligibility requirements specified in this Section will receive an economic stimulus of no more than thirty dollars (\$30.00) for

1 each ton of recyclable material transported off Guam to a recycling facility. Based
2 on the availability of funds and funding priorities, some eligible submittals may
3 receive no or partial stimulus payments.

4 (b) The Guam Environmental Protection Agency shall develop a reasonable and
5 practical Sustainable Recycling Adjustment Plan with a sliding scale that establishes
6 the amount of economic stimulus per recyclable material identified under
7 §24302.1(c) to be disbursed to eligible recycling facilities on Guam participating in
8 the Recycling Industry Economic Stimulus Program.

9 (c) The Sustainable Recycling Adjustment Plan shall be evaluated annually and take
10 into consideration economic parameters, such as, but not limited to, recyclable
11 material commodity prices and shipping costs.
12