CHAPTER 45
GUAM ENVIRONMENTAL PROTECTION AGENCY ACT

2025 NOTE: Pursuant to 5 GCA § 1510, I Maga'hågan/Maga'låhen Guåhan means the "Governor of Guam." Pursuant to 2 GCA § 1101, I Liheslaturan Guåhan means the "Guam Legislature."

Article 1 Guam Environmental Protection Agency
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GUAM ENVIRONMENTAL PROTECTION AGENCY

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§ 45101. Short Title.

This Chapter shall be known as the "Guam Environmental Protection Agency Act."

SOURCE: GC § 57000.

§ 45102. Statement of Policy and Purpose.

(a) It is hereby declared to be the public policy of Guam that a high quality environment be maintained at all times to guarantee an enjoyable life for all people at present and in the future, and that environmental degradation of the quality of land, water and air by any pollutants, including all physical, chemical and biological agents, should not be allowed.

(b) To these ends, it is the purpose of this Act to provide a united, integrated and comprehensive Guam-wide program of environmental protection and to provide a framework to fulfill that task.

SOURCE: GC § 57001.

2025 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606. Reference to "territory" omitted/replaced with "Guam" pursuant to 1 GCA § 420.

§ 45103. Guam Environmental Protection Agency.

(a) There is hereby created a Guam Environmental Protection Agency, hereinafter referred to as the Agency. The management of the Agency shall be vested in a Board of Directors consisting of nine (9) members to be appointed by I Maga'håga/Maga'låhi with the advice and consent of I Liheslatura. Members of the Board shall serve for a period of three (3) years each, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed, shall be appointed for

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the remainder of such term. The terms shall stagger so that three (3) members shall be appointed by I Maga'håga/Maga'låhi each year, except that in the year in which the law is enacted, I Maga'håga/Maga'låhi shall appoint three (3) members for one (1) year; three (3) members for two (2) years; and three (3) members for three (3) years. The majority of the members of the Board shall not be employees of the government of Guam. A chairman shall be elected from among the members.

(b) Members of the Board shall be compensated at the rate of Fifty Dollars ($50) per meeting attended subject to a maximum of twenty (20) meetings per member per year.

SOURCE: GC § 57002.

2025 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606. Reference to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510. Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

NOTE: *See* 5 GCA Chapter 43 for restrictions imposed on scheduling of the twenty meetings authorized here.

45104. Administration.

(a) Administrator. The Board shall appoint an Administrator to administer matters of the Agency under the supervision of the Board. The Administrator shall not be a member of the Board and shall not have a right to vote. The Administrator shall be given the necessary authority and be held responsible for the administration of the Agency in all its activities subject only to such policies as may be adopted and such orders as may be issued by the Board.

(b) Deputy Administrator. The Board shall appoint a Deputy Administrator who shall not be member of the Board and shall not have a right to vote. The Deputy Administrator shall perform such functions as the Administrator desires during the absence of the Administrator or in the event of a vacancy in the Office of the Administrator until such time that another Administrator is appointed.

(c) Secretary of the Board. The Secretary of the Board shall be appointed by the Administrator and confirmed by the Board. The Secretary shall be responsible for keeping records of meetings and actions of the Board.

(d) Qualifications, Duties, Tenure and Compensation. The qualifications, duties, tenure and compensation of the Administrator, Deputy Administrator and Secretary shall be such as the Board may by resolution determine necessary and desirable, provided that their salaries may not exceed Twenty-Nine Thousand Dollars ($29,000), Twenty-Four Thousand Dollars ($24,000) and Fourteen Thousand Four Hundred Dollars ($14,400) per annum, respectively. Other fringe benefits such as leave, eligibility for hospital, dental, life insurance and retirement, shall be decided by the Board, notwithstanding any other laws to the contrary.

SOURCE: GC § 57003, as amended by P.L. 14-114:10 (Apr. 6, 1978).

§ 45105. Powers and Duties.

(a) The Guam Environmental Protection Agency shall be responsible for the implementation of

(1) the Guam Food, Drug and Cosmetic Act, 10 GCA Chapter 40;

(2) the Toxic Substances Exposure Compensation Act, 10 GCA Chapter 41;

(3) the Guam Beverage Container Recycling Act of 2010, 10 GCA Chapter 44;

(4) the Water Resources Conservation Act, 10 GCA Chapter 46;

(5) the Water Pollution Control Act, 10 GCA Chapter 47;

(6) the Toilet Facilities and Sewage Disposal Act, 10 GCA Chapter 48;

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(7) the Air Pollution Control Act, 10 GCA Chapter 49;

(8) the Guam Pesticides Act, 10 GCA Chapter 50;

(9) the Solid Waste Management and Litter Control Act, 10 GCA Chapter 51;

(10) the Water and Wastewater Operator's Mandatory Certification Act, 10 GCA Chapter 52;

(11) the Safe Drinking Water Act, 10 GCA Chapter 53;

(12) the Guam Lead Ban Act, 10 GCA Chapter 53A;

(13) the Environmental Pollution Control Act, 10 GCA Chapter 54;

(14) the Guam Oil Spill Responder Act, 10 GCA Chapter 54A;

(15) the Choose to Reuse: Munga Ma Ayek I Plastek Act of 2018, 10 GCA Chapter 54B;

(16) the Underground Storage of Regulated Substances Act, Article 1 of 10 GCA Chapter 76; and

(17) the Aboveground Storage of Regulated Substances Act, Article 2 of 10 GCA Chapter 76.

(b) The Guam Environmental Protection Agency shall publish all Notices of Violation, Orders of Compliance, Notices of Defense, Voluntary Compliance Agreements of the Guam Pesticides Act and the Guam Beverage Container Recycling Act of 2010, Settlement Agreements, and Referrals to the Office of Attorney General for Prosecution no later than fifteen (15) days from service, and shall report all settlement agreements to the GEPA Board of Directors at the next scheduled regular board meeting.

SOURCE: GC § 57004, as amended by P.L. 14-022:3 (Apr. 22, 1997). Amended by P.L. 32-100:9 (Nov. 28, 2013). Amended by P.L. 35-006:2 (April 5, 2019).

2021 NOTE: P.L. 35-115:3 (Dec. 11, 2020) repealed the Guam Lead Ban Act, referenced in subsection (a)(12), which was formerly codified at Chapter 53A of 10 GCA. P.L. 35-115:2 reenacted Chapter 53A as the Safe Drinking Water Act.

2019 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

The references in subsections (a)(16) and (17) were altered to correspond to codification of Articles 1 and 2 of Chapter 76. The manifest error from P.L. 35-006:2, reflected in subsection (a)(17), was corrected by the Compiler pursuant to the authority of 1 GCA § 1606.

2014 NOTE: P.L. 32-100:10 stated:

> The Board of Directors of the Guam Environmental Protection Agency shall within one hundred twenty days (120) of the date of enactment of this Act into public law submit to I Liheslaturan Guåhan, via a duly adopted resolution, a proposed operational plan that shall include the budget request for the implementation of this Act and that shall address the deposit fees and tipping fees as it relates to the recycling program activities implemented by the Guam Solid Waste Management Authority or the Receiver appointed by the United States District Court of Guam with the intent of reducing the overall cost to consumers.

CROSS REFERENCE: *See* Chapters 52 and 53 for GEPA's additional powers and duties.

§ 45106. Rules and Regulations.

Notwithstanding the provisions of 5 GCA Chapter 9, rule-making procedures under the Administrative Adjudication Act, the Agency is hereby authorized and directed to adopt, amend and repeal rules and regulations implementing and consistent with the powers and duties vested in the Agency pursuant to § 45105; provided, however, that no action taken with respect to such rules and regulations shall be effective unless such action is first presented to and approved by I Liheslatura. If, after forty-five (45) calendar days, I Liheslatura has not expressly approved or rejected such action, or any part thereof, by a resolution duly adopted or by eleven (11) members of I Liheslatura, such action or any part thereof not expressly rejected shall be deemed to be approved.

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SOURCE: GC § 57005, as amended by P.L. 14-022:4 (Apr. 22, 1977).

2025 NOTE: References to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 45107. Abolishment of Water and Air Pollution Control Commissions.

The Water Pollution and Control Commission and the Air Pollution Commission, established pursuant to Chapter XI and Chapter XII of Title X of the Government Code of Guam are hereby abolished.

SOURCE: GC § 57006.

§ 45108. Assistance by Governmental Agencies.

Office space and housekeeping functions shall be provided by the Department of Public Health and Social Services and other logistic support shall be provided by the Department of Administration. The services and facilities of departments, agencies and instrumentalities of the government of Guam may be made available to the Agency in the exercise of its functions to the extent allowed by law.

SOURCE: GC § 57007.

§ 45109. Transfer of Officers and Employees.

All officers and employees of the Water Pollution Control Commission, the Air Pollution Control Commission, Department of Public Health and Social Services, the Guam Waterworks Authority and the Department of Agriculture who have performed exclusively the functions transferred by § 45105 of this Chapter shall be transferred to the Agency.

SOURCE: GC § 57008.

2025 NOTE: Reference to "Public Utility Agency of Guam" was replaced with "Guam Waterworks Authority" pursuant to P.L. 23-119:3 (July 31, 1996).

§ 45110. Transfer of Assets, Records and Operational Appropriations.

The balance of all unexpended appropriations and all assets, property and records of the Guam Water Pollution Control Commission, the Air Pollution Control Commission, the Department of Public Health and Social Services, the Guam Waterworks Authority or the Department of Agriculture used or to be used for the functions transferred pursuant to § 45105 of this Chapter shall be transferred to the Agency.

SOURCE: GC § 57009.

2025 NOTE: Reference to "Public Utility Agency of Guam" was replaced with "Guam Waterworks Authority" pursuant to P.L. 23-119:3 (July 31, 1996).

§ 45111. Definitions.

Except as provided in or where otherwise clearly indicated by the content, the following definitions shall apply throughout this Part:

(a) "Agency" means the Guam Environmental Protection Agency; and

(b) "Administrator" means the Administrator of the Guam Environmental Protection Agency.

SOURCE: GC § 57010.

2014 NOTE: Subsection designations were altered by the Compiler pursuant to the authority granted by 1 GCA § 1606.

§ 45112. Environmental Law Attorney for the Guam Environmental Protection Agency.

Notwithstanding any other provision of law, the Guam Environmental Protection Agency is authorized to use its federal funds to hire an attorney for its exclusive use. The attorney shall be hired as a classified employee pursuant to the provisions of § 4103(g) and § 4103(h) of Chapter 4, Title 4 Guam Code Annotated

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or to procure the services of an attorney pursuant to and in accordance with the Guam procurement process for professional services.

SOURCE: Added by P.L. 37-130:3 (Oct. 18, 2024). Amended by P.L. 38-015:3 (June 17, 2025).

ARTICLE 2
GUAM ENVIRONMENTAL TRUST FUND

§ 45200. Guam Environmental Trust Fund.
§ 45201. Use of Funds and Keeping a Safe and Healthy Environment.
§ 45202. Authorized Expenditure and Emergency Declaration.
§ 45203. Annual Reporting Requirements of the Environmental Trust Fund.
§ 45204. [Action by the Attorney General to Recover Damages.]

§ 45200. Guam Environmental Trust Fund.

(a) There is hereby created, separate and apart from other funds of the government of Guam, a fund known as the Guam Environmental Trust Fund (Fund). The Fund shall not be commingled with the General Fund and shall be kept in a separate bank account, subject to legislative appropriation. The Environmental Trust Fund shall not be subject to the transfer authority of I Maga'hågan/Maga'låhen Guåhan. The Fund shall be used by the Administrator of the Guam Environmental Protection Agency (Administrator) to:

(1) clean up hazardous materials and illegal dump sites, and restore and repair damage done to Guam's environment;

(2) create a reserve fund for emergency response;

(3) collect, transport, process and dispose of household waste in accordance with the provisions of the Ordot Dump Consent Decree Supplemental Environmental Project (SEP) and implement solid waste management activities to curb illegal dumping; and

(4) conduct activities related to improvement, compliance and enforcement of Safe Drinking Water Act, water quality, air quality, hazardous waste management, recycling, environmental monitoring and analysis; environmental planning; technical assistance and training, in accordance with applicable Guam and federal laws and regulations.

(b) The Fund shall be financed by the collection of a two percent (2%) assessment fee on all commercial and industrial liability insurance premiums paid in Guam for the coverage of companies or individuals. Such fees shall be collected from the insurance companies providing such coverage on Guam.

(c) For purposes of this section, "commercial and industrial liability insurance" is defined as liability or indemnity insurance against injury to third persons, with the insured being engaged in commercial or industrial activities within Guam, such activities being included in the definition of business and engaging in business defined in § 26101(a), Title 11, Guam Code Annotated.

(d) The Department of Revenue and Taxation (the Department) shall collect such fees and transmit them to the Treasurer of Guam for deposit in the Fund. The Department shall:

(1) Develop the necessary forms and instructions to be sent to all insurance companies issuing commercial and industrial liability insurance. Such forms and instructions shall direct these insurance companies to pay the two percent (2%) assessment as a condition of continuing to do business of Guam;

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(2) Act as the repository for the Fund for use by the Administrator in carrying out the purpose of the Fund.

(e) The Administrator shall be the disbursing and certifying officer for the Fund, and shall comply with the provisions of Chapter 14 of Title 4, Guam Code Annotated. The Director of Administration shall maintain appropriate records of the Fund and shall provide accounting and auditing services for the Fund.

SOURCE: Added by P.L. 21-010:2 (Apr. 19, 1991). Subsection (a) amended by P.L. 26-154:2 (Dec. 3, 2002); P.L. 27-029:V:15 (Sept. 19, 2003); P.L. 38-136:XIII:II:27 (Aug. 28, 2026).

2014 NOTE: Subsection designations were altered in subsection (d) to adhere to the Compiler's alpha-numeric scheme pursuant to the authority granted by 1 GCA § 1606.

§ 45201. Use of Funds and Keeping a Safe and Healthy Environment.

Funds in the Guam Environmental Trust Fund may be utilized by the Administrator of the Guam Environmental Protection Agency for programs relative to the prevention of environmental problems, and the promotion of keeping a safe and healthy environment.

SOURCE: Added by P.L. 26-154:3 (Dec. 3, 2002). Amended by P.L. 38-136:XIII:II:27 (Aug. 28, 2026).

§ 45202. Authorized Expenditure and Emergency Declaration.

The Administrator of the Guam Environmental Protection Agency is hereby authorized to utilize reserve funds to make emergency procurements in response to emergency declarations pursuant to this Article and § 5215 of Chapter 5, Title 5, of the Guam Code Annotated, for the purposes of assessment, cleaning up hazardous materials, restoring and repairing damages done to the Guam environment, and provisions for staff pay, equipment, and supplies necessary to support emergency response activities. The use of funds for emergency procurements greater than what is held in the reserve fund shall require Board approval prior to the expenditure of said funds.

SOURCE: Added by P.L. 26-154:4 (Dec. 3, 2002). Amended by P.L. 38-136:XIII:II:27 (Aug. 28, 2026).

§ 45203. Annual Reporting Requirements of the Environmental Trust Fund.

The Administrator of the Guam Environmental Protection Agency shall submit annually for the period from October 1st through September 30th to I Liheslaturan Guåhan and I Maga'hågan/Maga'låhen Guåhan a detailed report including itemized and total revenues, expenditures, and annual and cumulative balance of the Guam Environmental Trust Fund.

SOURCE: Added by P.L. 26-154:5 (Dec. 3, 2002). Amended and renamed by P.L. 38-136:XIII:II:27 (Aug. 28, 2026).

§ 45204. [Action by the Attorney General to Recover Damages.]

The Attorney General of Guam shall take all necessary action to recover damages from the parties responsible for environmental damages to government and private property. Any damages collected as a result shall, after deducting legal costs, be deposited into the Fund.

SOURCE: Added as uncodified law by P.L. 21-010:4 (Apr. 19, 1991), codified by the Compiler. Amended by P.L. 26-154:6 (Dec. 3, 2003).

2025 NOTE: As originally enacted by P.L. 21-010:4 (Apr. 19, 1991), this provision stated: "The Attorney General shall take all necessary action to recover damages from the parties responsible for environmental damages to government property. Any damages collected as a result shall. after deducting legal costs. be deposited in the Fund."

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