GL# 34-17-646

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

Office of the People
Senator Régine Biscoe Lee
Legislative Secretary
Date/Time: 6-19-17 @ 2:35
Initials: [illegible]

JUN 14 2017

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Speaker Benjamin J.F. Cruz

JUN 19 2017

Time: 418 [ ] AM [ ] PM File No. ____
Received By: [signature]

Via: Secretary of *I Liheslaturan Guåhan*
The Honorable Régine Biscoe Lee

2017 JUN 19 PM 4:44

KC

Dear Mr. Speaker:

Hafa Adai! This is a transmittal to *I Liheslaturan Guåhan* of the proposed rules and regulations pursuant to the Administrative Adjudication Law.

The Division of Environmental Health (DEH) of the Department of Public Health and Social Series held a public hearing to receive public notice on DEH's proposed *Rules and Regulations Governing Chemical Toilets*. A public hearing was held on February 27, 2015 from 2:00 p.m. to 5:00 p.m. The procedures provided in the Administrative Adjudication Law (Title 5 GCA Chapter 9, Article 3) were followed in notifying and conducting the public hearing. A total of three individuals of the public attended the hearing. One oral testimony was received. No written testimonies were submitted to our office both during and after the public hearing. The minutes of the public hearing at attached.

The proposed rules and regulations were posted to the website of the Department of Public Health and Social Services (www.dphss.guam.gov) on February 23, 2015, accompanied by a press release seeking public comments on the proposed rules and regulations. Five copies of the proposed rules and regulations were on file at the DEH since that time.

The Department of Public Health and Social Services does not anticipate an economic impact over $500,000 to the general public as a result of the implementation of the *Rules and Regulations Governing Chemical Toilets*. The determination of economic impact is strictly confined to the implementation of these regulations.

The proposed draft of these rules and regulations was submitted for review to the Office of the Attorney General on June 23, 2015. Approval as to form of the proposed rules and regulations was received by DPHSS on May 8, 2017 (copy enclosed).

A copy of the letter posted on the webpage of the Compiler of Laws, which states, "Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of Laws." is enclosed. The proposed rules and regulations are in compliance with the recommended format.

We have enclosed the following materials for your reference:

- A copy of the public hearing notice that was printed in the Marianas Variety Guam Edition on February 13, 2015;
- A copy and a duplicate of the draft proposed Rules and *Regulations Governing Chemical Toilets*, as well as an electronic copy;
- A copy of the memo of approval from the Office of the Attorney General;
- A copy of the letter regarding format from the Office of the Compiler of Laws;
- Minutes of the February 27, 2015 public hearing; and
- Recording of the February 27, 2015 public hearing.

Should you have any questions regarding this matter, please contact Mr. James W. Gillan, Director of the Department of Public Health and Social Services at 735-7102.

Senseramente,

EDDIE BAZA CALVO

Enclosures

Doc. No. 34GL-17-0646

DRAFT PROPOSED RULES AND REGULATIONS GOVERNING CHEMICAL TOILETS

DATED APRIL 20, 2017

AS SUBMITTED TO THE OFFICE OF THE GOVERNOR

Office of the Attorney General of Guam

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May 4, 2017

James Gillan, Director
Department of Public Health and Social Services
123 Chalan Kareta
Mangilao, Guam 96913-6304

Subject: Attorney General Approval of April Revised Proposed Rules and Regulations Governing Chemical Toilets (Ref: DPHSS 15-0363)

Dear Director Gillan:

On March 7, 2017, this Office approved a previous draft of proposed Rules and Regulations Governing Chemical Toilets. However, after this approval was granted, and upon agency request, a revised version of these rules was submitted for a new review. The Office of the Attorney General has completed this new review of the revised proposed rules and regulations.

Pursuant to the Administrative Adjudication Law (AAL), 5 GCA § 9303, I hereby approve the attached version of the proposed Rules, which was revised in April of 2017, as to form and as to compliance with the applicable requirements of the AAL.

The current rule-making procedures provide that no rule shall become effective until after ninety (90) calendar days have elapsed from the date of filing with the Legislative Secretary. However, within this 90-day time period, the Legislature may approve, disapprove, or amend these proposed rules.

Sincerely,

ELIZABETH BARRETT-ANDERSON
Director's Office
Division Of General Administration

MAY 08 2017

DPH&SS

Time: 1241 Locator#: 153

Attachment

RECEIVED
MAY 11 2017
DIVISION OF ENVIRONMENTAL HEALTH

Doc. No. 34GL-17-0646.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Session

Bill No. _____ _____

Introduced by: _____

AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES UNDER ARTICLE 19 OF CHAPTER 4, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CHEMICAL TOILETS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. Title 10 Guam Code Annotated, Chapter 39 ("Wastewater and Toilets"), mandates the Director of the Department of Public Health and Social Services to adopt regulations as necessary to implement the chapter. *I Liheslaturan Guahan* recognizes that there is a need to regulate the sanitary operation and standards for chemical toilets so that the public, and employees of chemical toilet operators, will not be adversely effected by the presence and use of chemical toilets.

Furthermore, *I Liheslaturan Guahan* finds that there is a growing need for the usage of chemical toilets on Guam that is attributed to construction sites, public gatherings, fiestas, and private parties where no adequate toilet room facilities are available. Chemical toilets are integral in public health sanitation at these sites and these toilets must be properly cleaned and sanitized, serviced frequently, and that the chemical toilet wastes are properly disposed of.

Section 2. Adoption of Rules. Notwithstanding any other provision of law, rule, regulation, and executive order, the rules and regulations of the Department of Public Health and Social Services governing Chemical Toilets, and attached hereto as Exhibit "A," to be codified

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under Chapter 4, Division 1, Title 26, Guam Administrative Rules and Regulations, is hereby adopted by *I Mina'trentai Kuåttro Na Liheslaturan Guåhan.*

Section 3. Effective Date. The administrative rules and regulations adopted pursuant to Section 2 of this Act *shall* become effective immediately upon enactment.

Section 4. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall* not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

EXHIBIT "A"

RULES AND REGULATIONS GOVERNING CHEMICAL TOILETS

Article 19
26 Guam Administrative Rules and Regulations
Division 1
Chapter 4

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH
123 Chalan Kareta
Mangilao, Guam 96913-6304
(671) 735-7221

Doc. No. 34GL-17-0646.

EXEMPTION FROM ECONOMIC IMPACT STATEMENT

The implementation of the following proposed rules and regulations will not have an economic impact to the public of more than Five Hundred Thousand Dollars ($500,000) annually. As provided in § 9301(i) of Title 5 GCA, Chapter 9, Article 3, an economic impact statement is not required for these proposed rules and regulations.

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§41901. Purpose.

The purpose of these rules and regulations is to protect and promote public health through the proper disposal of human waste when using chemical toilets. These rules and regulations shall be liberally construed by the Department of Public Health and Social Services and applied to ensure compliance with sanitary requirements.

§41902. Authority.

Title 10 Guam Code Annotated, Chapter 20, Section 20105, and Chapter 39, Section 39107 authorize the Director of the Department of Public Health and Social Services to adopt rules and regulations to carry out the provisions of these chapters.

§41903. Definitions.

As used in these rules and regulations, the following definitions shall apply:

(a) *Building* means any dwelling, apartment house, hotel, business establishment, commercial establishment, church, meeting hall, or any other building used for human occupancy, business activity or assembly.

(b) *Chemical Toilet Establishment* means the location where the chemical toilets and sewage pumper trucks are maintained, serviced, and stored.

(c) *Chemical Toilet Operator* means a person or business entity, who owns or manages, or proposes to own or manage, chemical toilets.

(d) *Chemical Toilet* means a building or structure housing one (1) or more water-tight containers of liquid chemical disinfectants intended to receive and hold human excrement.

(e) *Chemical Toilet Grade Placards* means a sign issued by the Department to a Chemical Toilet Establishment, which reflects the sanitary condition of the establishment based on the recent inspection and its total demerit score.

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(f) *Chemical Toilet Permit* means the official Department of Public Health and Social Services document issued by the Department authorizing the establishment to operate its business.

(g) *Department, or DPHSS,* means the Guam Department of Public Health and Social Services.

(h) *Director* means the Director of the Department of Public Health and Social Services or his/her designated representative.

(i) *Route Units* means chemical toilets placed on construction sites or other locations that require regularly scheduled service.

(j) *Sewage Pumper Truck* means a truck with a large tank and the capability to pump liquids or slurries into and out of the tank.

(k) *Special Event Units* means chemical toilets placed on a site on a short-term basis that require irregular or on-demand service.

(l) *Stool* means a toilet facility maintained within a toilet room for the purpose of both defecation and urination.

(m) *Toilet Facility* means a fixture maintained within a toilet room for the purpose of both defecation and urination.

(n) *Toilet Room* means an enclosure containing one or more toilet facilities.

(o) *Wastewater* means untreated or insufficiently treated human excreta; food wastes disposed of through plumbing facilities; wash water; wastewater from toilets, sinks, basins, showers, washing machines and similar plumbing fixtures; and other liquid wastes from residences, commercial buildings, and industrial establishments or other places of assembly, and such diluting water as may have entered the waste disposal system.

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§41904. Chemical Toilets.

(a) No chemical toilets shall be used except under permit and inspection of the Department.

(b) No building, as defined herein, shall use chemical toilets for the disposal of human wastes. Chemical toilets may be used at construction sites, outdoor recreation areas and similar areas approved by the Director.

§41905. Chemical Toilet Permit.

(a) No person shall directly or indirectly in any manner, conduct, control, manage, maintain, or operate a chemical toilet establishment unless a valid Chemical Toilet Permit issued by the Department to operate such a facility has been obtained and posted. Any person, before constructing a new chemical toilet establishment, or making an addition to, or major alteration of, an existing facility shall first submit plans and specifications of such building or changes to the Director.

(b) The form for the Chemical Toilet Permit shall be prescribed by the Director.

(c) The expiration date of the Chemical Toilet Permit shall be one year from the application date.

(d) The Chemical Toilet Permit shall be renewed at least 15 days prior to the expiration of the permit every calendar year.

(e) The Chemical Toilet Permit shall be posted by the Director in a conspicuous place on the premises designated by him. No person other than the Director shall remove, deface, destroy or conceal such permit.

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§41906. Transfer of Chemical Toilet Permit Prohibited.

It shall be unlawful to transfer a Chemical Toilet Permit to another person or to another location or to post it on or use it in any way in connection with any other premises than that for which it is issued.

§41907. Chemical Toilet Requirements.

(a) Structures housing chemical toilet rooms may be mobile trailers or prefabricated, skid-mounted or otherwise portable structures. If they contain more than one stool, each stool shall occupy a separate compartment with a door and walls or partitions between stools sufficient to assure privacy.

(b) Toilet rooms must be designed, constructed, and maintained to prevent the access of flies or vermin to the wastes.

(c) The interior floors, walls, ceilings, partitions, and doors of all toilet rooms must be of durable, non-absorbent material, smooth, and easily cleanable.

(d) Each toilet facility must be smooth, durable, easily cleanable, and non-absorbent.

(e) The toilet rooms must be ventilated and provided with self-closing doors, lockable from the inside. All ventilation openings to the units, except vent pipes, shall be covered with a screen. Toilet rooms that are not ventilated by mechanical means shall be provided with a screened ventilation opening having a cross-sectional area of at least one square feet (1 ft^2) per stool covered with 16 mesh to 1-inch screen. Chemical toilets and urinals that are free-standing and not installed in a toilet room, do not require a ventilation system.

(f) Every toilet room shall provide adequate space for the user with minimum inside dimensions of three feet (3') front-to-back and side-to-side, inside clear height of six feet six inches (6'6") and a stool riser height of fourteen to twenty inches (14" to 20").

(g) The waste containers (tanks) of chemical toilets must be constructed of durable, easily cleanable, non-absorbent, and watertight materials. Tank size must be sufficient to contain the initial chemical charge and provide capacity for at least one day's use for forty persons (a minimum tank capacity of 33 gallons must be provided). Ventilation of the tank to the outside of the structure shall be with a minimum nominal vent area of seven square inches (7 in^2). Construction of the tank must be such as to prevent spillage from occurring when tipped or turned over.

(h) Only chemicals which shall not interfere with the Guam Waterworks Authority's Wastewater Treatment Processes and U.S. Environmental Protection Agency approved chemicals, capable of controlling odors, disinfecting, and liquefying solids, may be used in chemical toilets. Chemicals, if used, shall be in accordance with applicable federal, state, and local provisions. No chemicals that are prohibited by U.S. Environmental Protection Agency may be used.

(i) Chemical toilets must be maintained in a clean and sanitary manner, free of odor and stains by the renter of the chemical toilet and the supplier of the chemical toilet, while in use, storage, and prior to release.

(j) Each chemical toilet must be identified with the name of the company and a unit number. The lettering must be at least one inch (1") in height, contrasting color to chemical toilet and posted in a clear and conspicuous area to be easily seen by the public, and shall not be less than five feet (5') in height.

(k) Chemical toilets shall be stored at the chemical toilet establishment when not in use.

§41908. Pumping and Cleaning Operations. Applications.

(a) An application for a Chemical Toilet Permit to operate all new or existing chemical toilet establishments shall be made in writing on a form prescribed by the Department, signed by the applicant or his authorized agent, and shall contain such information that will determine that the facility and its operation are in compliance with the applicable provisions of these regulations. The following information shall be included:

(1) Type of disinfection to be used;

(2) The frequency at which the chemical toilets will be serviced; and

(3) Where the chemical toilet wastes will be disposed.

(b) Before pre-operation inspections of the chemical toilet establishment, chemical toilets, and sewage pumper truck are conducted, its plans and specifications shall be submitted to the Director in accordance with the requirements established in these regulations, which shall include, but are not limited to, the following:

(1) The dimensions of the proposed establishment;

(2) The location, number, and type of plumbing fixtures, including all water supply fixtures and toilet fixtures, and other fixtures and equipment;

(3) If a newly-constructed building, the general layout of water supply lines, wastewater lines, or methods of wastewater disposal;

(4) Chemical toilet and sewage pumper truck specifications; and

(5) A list of all chemical toilets in their inventory and a means of identifying each chemical toilet. The operator must ensure that the identifying number or mark indicated in the list is visible on the chemical toilet.

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(c) Before the application for a Chemical Toilet Permit shall be approved, the Department shall verify that the chemical toilet establishment and chemical toilets meet the minimum sanitary requirements and standards. This shall include the access onto the premises to conduct inspections and investigations.

(d) If, upon inspection, the Director is satisfied that the chemical toilet establishment meets the qualifications and standards prescribed in these rules and regulations, a non-transferable Chemical Toilet Permit shall be issued. The Chemical Toilet Permit shall be posted in a conspicuous area designated by the Director.

(e) An application for renewal of Chemical Toilet Permit shall be submitted to the Department no earlier than 30 days prior to its expiration date.

(f) The chemical toilet establishment shall adhere to the most recently adopted building, plumbing, fire, and other pertinent regulatory codes.

(g) A non-refundable deposit of Thirty Dollars ($30.00) shall be made to the 'Treasurer of Guam' at the time the application for Chemical Toilet Permit is submitted to the Department. Upon completion and processing of the application, the deposit amount shall be deducted from the appropriate fee listed in §41909.

(h) Any application that remains inactive for sixty (60) consecutive days shall be considered permanently inactive, removed from the file for processing, and then destroyed, and the non-refundable Thirty Dollars ($30.00) deposit shall be automatically forfeited.

(i) An applicant who wishes to re-apply after his or her application has become permanently inactive under the provision of §41908(h) shall be considered a new applicant and shall submit a new application with supporting documents and pay all required fees, including the Thirty Dollars ($30.00) non-refundable deposit fee.

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(j) The chemical toilet operator shall be responsible for cleaning up all spills, either through transport or operation, in accordance with all rules and regulations of the Guam Environmental Protection Agency and Guam Waterworks Authority, and as directed by the Director.

§41909. Chemical Toilet Requirements. Fees.

Fees for the issuance of a Chemical Toilet Permit shall be as follows:

(a) The annual Chemical Toilet Permit fee for chemical toilet operator shall be Five Hundred Dollars ($500.00) regardless of the number chemical toilets possessed by the operator.

(b) Issuance of a duplicate Chemical Toilet Permit shall be Ten Dollars ($10.00).

(c) Amendments to an existing Chemical Toilet Permit shall be Ten Dollars ($10.00).

(d) An applicant for a Chemical Toilet Permit may request for the permit to be expedited and processed on the same day the request is submitted. The Department may grant such requests provided the applicant has met all the requirements of the Department to obtain a Chemical Toilet Permit, including the requirement for the pre-operation structural inspection. The Department shall assess a fee of Seventy-Five Dollars ($75) for expedited processing in addition to the regular processing fee.

(e) The cost of the structural inspection, also known as a pre-operation inspection, is included in the initial payment for the Chemical Toilet Permit. However, a fee of Fifty Dollars ($50) an hour shall be assessed for all subsequent inspections. With the exception of the first hour; fractional hours shall be rounded up to the nearest whole hour if more than one half (0.5) hour, and rounded down if less than one half (0.5) hour.

(f) Requests for an expedited structural inspection may be granted as determined by the Director if such inspection does not cause the disruption of any pre-existing inspections

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scheduled for other applicants. The fee for expedited structural inspections shall be One Hundred Fifty Dollars ($150) in addition to all other required fees established in these rules and regulations.

(g) Any establishment whose Chemical Toilet Permit is suspended under the provisions of §41918 of these rules and regulations and who is granted reinstatement by the Department as set out in §41920 of these rules and regulations, shall first pay a re-opening fee of One Hundred Dollars ($100) before the permit is returned or re-issued.

(h) The fee schedule established in §41909 shall become effective immediately upon enactment.

(i) In the event that the Department is required to clean up a spill due to an imminent health hazard, all costs associated with immediate cleanup that the Department expends shall be reimbursed by the chemical toilet operator with additional fees. In the event this occurs, the Department shall be authorized to hire a firm to clean up the spill created by the chemical toilet operator, and then charge the actual costs back to the operator.

§41910. Advance Notification of Fees Schedule.

The Director shall ensure that advance, written notification is provided to all Chemical Toilet Permit licensees relative to the cost for permit renewal upon the expiration of their current permit. The information *shall* be immediately provided as a permit renewal notification.

§41911. Usage.

(a) Route Units. On a construction site, there shall be at least one toilet unit per 10 workers, in a single 40-hour shift which must be serviced weekly.

(b) Toilet facilities shall be installed, maintained, and operated in a manner that will not endanger the health and safety of users.

(c) Toilet facilities shall be provided in toilet rooms that are separate for each sex in all places of employment whether indoors, outdoors, or underground.

(d) A separate toilet room for each sex is not needed if occupied by no more than one person at a time and the toilet room can be latched from the inside. In such cases, at least one stool shall be provided.

(e) The number of facilities to be provided for each sex shall be based upon the number of employees of that sex for whom the facilities are furnished for, and shall be in accordance with Tables 1 and 2 of these rules and regulations. Where single-occupancy toilet rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purposes of Tables 1 and 2.

(f) Where employees of more than one employer are present at a place of employment (such as, but not necessary limited to, construction sites with employees of several subcontractors), it shall be the responsibility of each employer to provide toilet facilities sufficient for the total number of his own employees.

(g) Where the number of employees at a place of employment fluctuates widely, the number of toilet facilities required shall be determined by the maximum number of employees present on a regular shift.

Table 1. Minimum Number of Toilet Facilities If Serviced Once Per Week

Number of Employees	**Minimum Number of Toilet Facilities**
	If serviced once per week*
1-10	1
11-20	2
21-30	3
31-40	4
Over 40	1 additional facility for each 10 additional employees
*Note: "Servicing" refers to the emptying of waste and the cleaning of the toilet	

facility.

Table 2. Minimum Number of Toilet Facilities If Serviced More Than Once Per Week

Number of Employees	Minimum Number of Toilet Facilities
	If serviced more than once per week**
1-15	1
16-35	2
36-55	3
56-75	4
76-95	5
Over 95	1 additional facility for each 20 additional employees
**Note: "Servicing" refers to the emptying of waste and the cleaning of the toilet facility.	

(h) Special Events Units. The number of units required must be in accordance with the rules and regulations of the Guam Environmental Protection Agency.

§41912. Service.

(a) The minimum established standard for route units is weekly service and for special event units when at 1/3 tank capacity remaining. Service includes the following:

(1) Pumping or evacuating the effluent from the portable toilet receptacle into the truck holding tank;

(2) Recharging the portable toilet holding tank;

(3) Cleaning and sanitizing the interior of the portable toilet by scrubbing with brushes and towel drying;

(4) Providing toilet tissue;

(5) Performing minor repairs to the portable toilet as needed; and

(6) Effluent is disposed of at licensed and approved disposal sites as needed.

(b) It shall be the responsibility of the employer to ensure that all toilet rooms and facilities are maintained in a clean and sanitary condition.

(c) If toilet facilities are of the types that require periodic servicing, it shall be the responsibility of the employer to provide sufficient toilet facilities and servicing to prevent the stated capacity of those facilities from being exceeded.

(d) The employer shall also assure ready access to the toilet facilities by the required servicing equipment.

§41913. Disposal Sites.

All waste must be disposed of at a disposal facility designated by the Guam Waterworks Authority. The chemical toilet operator shall obtain the necessary approvals and permits from the appropriate regulatory agencies, including, but not limited to, the Guam Waterworks Authority and the Guam Environmental Protection Agency.

§41914. Sewage Pumper Truck Requirements.

(a) The sewage pumper truck shall be constructed so to prevent the leakage, spillage, and splashing of its contents and shall be constructed of metal and its tank is watertight and splash-proof.

(b) A leak-proof gate or ball valve must be provided on each tank for the discharge or loading of the contents. Sewage pumper truck must also have a leak-proof screw plug or cap on each valve at all times. The cap must be chained at all times.

(c) A pipe or hose of sufficient length to fully extend into a sewer manhole or disposal pit must be provided. The pipe or hose must be completely drained into the manhole or pit to avoid any spillage of contents onto the ground.

(d) All racks for carrying equipment on the truck must be made of metal.

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(e) All parts of the truck and equipment must be designed and maintained to be easily cleanable.

(f) Sewage pumper truck shall have the name and address of the company printed on both sides of the tank or truck in letters that will be able to read at a distance of at least 50 feet (50 ft.).

§41915. Pumping and Cleaning Operations.

(a) Pumping and cleaning operations shall be conducted in a manner that will not endanger human health or the environment and at a frequency of at least one time every seven (7) calendar days for route units. Any spillage of sewage must be cleaned immediately at the chemical toilet operator's expense. All cleaning of the sewage pumper truck shall be conducted at the chemical toilet establishment.

(b) Pumping, cleaning, and disposal operations must be performed in accordance with the statutes, rules, and regulations of the Guam Waterworks Authority and the Guam Environmental Protection Agency regarding water control, cleaning wastewater systems, disposal of wastewater, requirements and procedures, including but not limited to 22 G.A.R., Div. 2, Chapters 11 and 12 and 28 G.A.R., Chapter 2, Article 1.

§41916. Inspection and Grading.

(a) Access.

(1) An employee or representative of the Department shall, after proper presentation of credentials, have access to any chemical toilet establishment, toilet room or stool, chemical toilet, route unit, or sewage pumper truck at any reasonable time for the purpose of making inspections to determine compliance with these rules and regulations.

(2) The operator shall ensure that he/she, or a designee, is present during inspections of a chemical toilet establishment by the Department.

(3) The date of each inspection shall be noted on the Chemical Toilet Grade Placards.

(4) The person in charge shall, upon request from the Department, allow for the access to all parts of the establishment and shall allow for the examination and copying of any and all records pertinent to its sanitary operation, and allow access to persons employed.

(b) Frequency of Inspections.

As often as may be deemed necessary, the Director shall inspect every chemical toilet establishment, and may inspect every toilet room or stool, chemical toilet, route unit, or sewage pumper truck, or activities subject to these rules and regulations.

(c) Report of Inspections.

(1) Whenever an inspection of a chemical toilet establishment, toilet room or stool, chemical toilet, route unit, or sewage pumper truck is conducted, the findings shall be recorded on an inspection report prescribed by the Director.

(2) Upon the completion of an inspection, the following information must be indicated on the inspection report:

(A) The violation, if any, and its corresponding section number;

(B) Demerit point that is assigned to the violation;

(C) The summed total of all the demerit points and its corresponding letter grade pursuant to §41916(d);

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(D) The correction that needs to be made and when such correction must be completed by;

(E) A statement indicating that failure to comply with any notice issued in accordance with the provisions of any applicable laws, rules, or regulations may result in immediate suspension of the Chemical Toilet Permit of the establishment or downgrade to the next lower grade; and

(F) A statement that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Director within a period of time established in the notice for corrections.

(3) A copy of the completed inspection report form shall be issued to the operator of the establishment at the conclusion of the inspection.

(d) Grading.

(1) A demerit score, ranging from 6 points to 1 point, shall be assigned for each violation, which shall be indicated in the inspection report.

(2) Grades of a chemical toilet establishment shall be as follows:

(A) Grade A: An establishment having a total demerit score of not more than 10;

(B) Grade B: An establishment having a total demerit score of more than 10 but not more than 20;

(C) Grade C: An establishment having a total demerit score of more than 20 but not more than 40; and

(D) Grade D: An establishment having a total demerit score of more than 40.

(3) When the demerit score of the establishment is more than 40, the Chemical Toilet Permit shall be immediately suspended.

(4) The Department shall issue a Chemical Toilet Grade Placard reflecting the letter grade of the most recent inspection.

(5) All violations shall be corrected within the established time period.

(A) A violation that is assigned 6 demerit points shall be corrected within a period of time not to exceed 7 days, and

(B) All other violations shall be corrected within a period of time not to exceed 30 days.

(6) Notwithstanding the grade criteria established above, whenever a second consecutive ("repeat") violation of the same item is discovered, the Chemical Toilet Permit may be suspended or the establishment downgraded to the next lower grade.

(7) The permit holder or operator of the establishment that had its grade lowered, may, at any time, request an inspection for the purpose of re-inspecting the establishment.

(e) Service of Notices.

Notices provided for under this section shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the permit holder or the person in charge, or to any employee of the chemical toilet operator located at the address on file with the Department, or such notice has been sent by registered or certified mail with return receipt requested to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Director.

(f) Posting.

Copies of the inspection report and the Chemical Toilet Grade Placard shall be posted by the Director in a conspicuous place on the premises designated by him. No person other than the Director shall remove, deface, destroy or conceal such report and placard. The original Inspection Report shall be retained by the Director. Failure to post, or its unauthorized removal, will result in the issuance of the appropriate demerit point(s).

(g) Appeal.

A Chemical Toilet Establishment shall have an opportunity to appeal any notice or inspection findings of the Department if a written request for a hearing is filed with the Director within the period of time established in the Department's notice or report.

§41917. Hearing.

If any provision or the application of any provision of these regulations is held invalid, that invalidity shall not affect other provisions or applications of these rules and regulations.

(a) Any establishment whose Chemical Toilet Permit is to be suspended or revoked shall be notified by the Director in writing of the Department's intention and the reasons therefore.

(b) Any establishment that receives a notice of violation with intent to suspend or revoke as described in §41918 and that wishes to contest shall request a hearing with the Director in writing no later than 15 calendar days after receipt of the notice, and shall state the grounds for objecting to the intended suspension or revocation.

(c) Upon completion of a hearing, the Director shall make a written determination concerning the violation and whether a suspension or revocation is to be imposed.

§41918. Suspension or Revocation of Chemical Toilet Permit.

(a) The Director may suspend or revoke any Chemical Toilet Permit issued under the provisions of Title 10 GCA, Chapter 39, § 39108, or any rules and regulations promulgated concerning Chemical Toilet Permits.

(b) Suspension of a permit may be imposed without prior hearing in the discretion of the Director by giving written notice thereof to the holder, in which case, the holder shall have 5 days within which to request a hearing. Suspension without prior hearing may be imposed for such time until the violation is corrected; or may by imposed as a penalty for repeated violations, in which case, it shall not exceed 5 days; or may be imposed pending a hearing under subsections (c) or (d) of this section. When a hearing is requested following a suspension without prior hearing, it shall be discretionary with the Director as to whether the suspension shall be continued pending the hearing.

(c) Suspension of a permit may occur following a hearing. Suspension may be imposed for such time until the violation is corrected or may be imposed as a penalty for repeated violation, in which case, it shall not exceed 6 months.

(d) A revocation may occur following a hearing conducted in accordance with the provisions of the Administrative Adjudication Law (Title 5 GCA, Chapter 9).

(e) Following a hearing, a judicial review of the Director's decision may be held in accordance with the provisions of the Administrative Adjudication Law (Title 5 GCA, Chapter 9). Pending a final determination of such judicial review, it shall be discretionary with the Superior Court of Guam to stay the enforcement of the order of suspension or revocation upon the furnishing of adequate bond.

§41919. Suspension without Hearing.

(a) A Chemical Toilet Permit may be suspended without prior hearing:

(1) If the permit holder denies the Director access to areas and equipment governed by these rules and regulations.

(2) When the demerit score of the chemical toilet establishment is more than 40;

(3) At the discretion of the Director for violating any provisions of these rules and regulations; and

(4) For twice violating the same requirement deemed critical (violation with 6 demerit point) under these rules and regulations within any six-month period, in which case, it shall not exceed 5 days.

(b) A suspension without prior hearing may remain in effect until the violation is corrected by the establishment. The Director shall have the discretion to decide whether the suspension shall be continued pending a hearing.

§41920. Reinstatement of Chemical Toilet Permit.

When the holder of a Chemical Toilet Permit believes that corrections have been made of the cited violation(s) upon his premises or some other violation for which his permit has been suspended, he may make application to the Director for reinstatement of the permit. This application may be in the form of a letter. Upon the receipt of such application, the Director shall make an inspection of the premises. If the findings of this inspection show that the violation has been corrected, the Director may, in his discretion, reinstate the permit, but shall reinstate the permit where suspension was imposed for such time until violations were corrected.

§41921. Revoked Chemical Toilet Permit May Not Be Reinstated.

When a Chemical Toilet Permit has been revoked, it no longer has any validity and may not be reinstated except upon order of a court.

§41922. New Chemical Toilet Permit Barred for One Year

No person whose permit has been revoked shall be eligible to obtain a new permit for a period of one year.

§41923. Ceasing of Operations.

The Director shall order a chemical toilet establishment, toilet room or stool, chemical toilet, route unit, or sewage pumper truck to immediately cease operations whenever he finds that the operation jeopardizes the health and safety of the people. The operation of any specific toilet room or stool, chemical toilet, route unit, or sewage pumper truck where there is a wastewater spill or leak, shall cease operation immediately. Additionally, a chemical toilet establishment with standing pools of wastewater shall cease operations immediately. Immediate cleanup and remediation of all spills or leaks at any location of a toilet room or stool, chemical toilet, route unit, sewage pumper truck, or the chemical toilet establishment shall be conducted with no interruption in regular servicing and maintenance for other chemical toilet establishments, toilet rooms or stools, chemical toilets, route units, or sewage pumper trucks at other locations, whenever possible. Operations for that particular location of spill or leak shall not be resumed until authorized by the Department.

§41924. Closing and Notification to Chief of Police.

(a) The Director shall enforce the closing of any establishment or activity whose permit has been suspended or revoked. Upon the request of the Director, the Chief of Police shall provide police personnel to enforce such closing.

(b) The Director shall notify the Chief of Police of any suspension or revocation of a Chemical Toilet Permit.

Doc. No. 34GL-17-0646.

§41925. Closure to Be Posted.

Whenever any establishment requiring a permit is closed by the Director, the Director shall post a notice, easily visible to the public, stating that said establishment is closed by order of the Director.

§41926. Administrative Penalties.

(a) The Director may impose a fine payable to the "Treasurer of Guam" for any Chemical Toilet Operator that violates any provisions of these rules and regulations. The monetary fine for the administrative violation shall be by charged to the Chemical Toilet Operator based on the following violations:

(1) A fine not less than One Hundred Dollars ($100) per violation, but not exceeding Five Hundred Dollars ($500), for the repeat of a same violation with assigned 6 point demerits within a one year period.

(2) A fine not less than Five Hundred Dollars ($500) per violation, but not exceeding Five Thousand Dollars ($5,000), for operating without a valid Chemical Toilet Permit.

(3) For §41926(a)(1) and §41926(a)(2) above, the Department shall treat each additional day as a separate violation per day of continuing violation.

(b) The Director shall issue a notice of violation and administrative penalty against a Chemical Toilet Operator and provide an opportunity to request a hearing on the proposed penalty. The request must be made within 10 days of the date that the notice is served upon the Chemical Toilet Operator.

(c) Any Chemical Toilet Operator may seek review of any administrative penalty imposed before the Superior Court of Guam. Such review shall be upon the record established

before the Director and not *de novo*. The Superior Court may sustain, modify or vacate any administrative penalty it reviews.

(d) If any Chemical Toilet Operator fails to comply with an administrative penalty order after it has become final, the Attorney General shall bring a civil action to enforce the order and to recover the amount ordered or assessed, plus current interest from the date of the final order or decision. To prevail in such an action, the Director need establish only that:

(1) Notice was given as required;

(2) A hearing was granted to the defendant or that the defendant requested no hearing; and

(3) The penalty was imposed and has become final either because the administrative order was not appealed to the Superior Court, or that after judicial review the administrative order remains an unsatisfied obligation.

§41927. Variance.

In the event that an establishment or person is unable to comply with certain requirements of these rules and regulations, upon a showing of good cause which is not the result of negligence or malfeasance, the Director may grant a variance from the requirements of a particular rule by making a written determination. Before a variance from a requirement of these rules is approved, the Chemical Toilet Operator shall first submit a written statement of the proposed variance from the requirement citing relevant section number(s). The written statement shall include an alternate plan to address the potential public health hazards and nuisances under the relevant rule sections. The Director, not his/her representative, is delegated the authority to approve such variance.

Doc. No. 34GL-17-0646.

§41928. Effective Date.

These rules and regulations shall become effective immediately upon enactment.

§41929. Severability.

If any provision or the application of any provision of these rules and regulations are held invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations.

Doc. No. 34GL-17-0646.

PUBLIC HEARING NOTICE PRINTED IN THE MARIANAS VARIETY GUAM EDITION ON FEBRUARY 13, 2015

Rite Aid spends $2B on pharmacy management

NEW YORK (AP) – Rite Aid's $2 billion acquisition of a pharmacy benefits manager steers the drugstore chain toward a potentially lucrative focus for health care companies. Finding ways to tame customer costs.

The nation's third-largest drugstore chain is buying EnvisionRx which, like all pharmacy benefit managers, can exercise considerable influence over how much patients pay for their medications.

So-called PBMs run prescription drug plans for customers that include employers and insurers. They negotiate prices with drugmakers, process mail-order prescriptions and try to keep tabs on whether patients are taking their medicines, all in an attempt to keep costs down for their customers.

Health care expenses have been a top concern for years for insurers and employers who provide coverage for their workers. They've also become a growing headache for patients who have seen their insurance coverage shrink, leaving them with a bigger share of the bill at places like drugstore pharmacies.

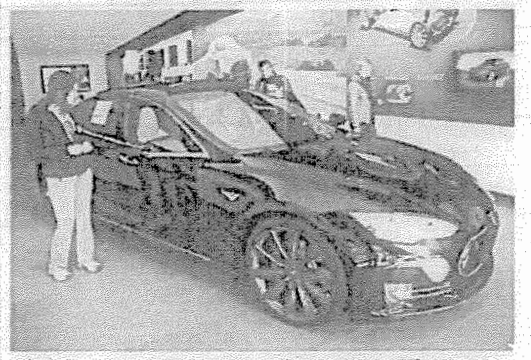
Reshape

That broad concern over cost is helping to reshape how Rite Aid serves its customers. Chairman and CEO John Standley said after his company announced its acquisition on Wednesday.

Rite Aid Corp., which sold its previous PBM operation in 2001, will re-enter a market brimming with competition from large, national players like Express Scripts Holding Co., which serves about 85 million people, and rival drugstore operator CVS Health Corp.

But Standley said the combination with EnvisionRx, which serves 21 million people, will help his company carve its own, sizeable share of that market. He said Rite Aid can help the PBM get better prices for drugs, and the companies will combine strong programs aimed at helping people stick to their prescriptions.

Tesla profit falls on strong dollar



In this Jan. 3 photo, shoppers check out the Tesla model S at the Tesla showroom at the Third Street Promenade in Santa Monica, Calif. Tesla Motors Inc. reports quarterly financial results after the market closes on Wednesday, Feb. 11. AP

DETROIT (AP) – Tesla Motors ended 2014 on a sour note, with production hiccups and a bungled launch in China, but the electric car maker is confident it can significantly grow sales this year as it launches a new SUV.

Tesla's fourth-quarter loss widened because of the impact of the strong dollar on its profits from overseas sales and a delay in shipments of its new all-wheel-drive Model S sedan.

The Palo Alto, California, company said it held back shipments of its new all-wheel-drive version of the Model S sedan – which was launched in November – to make sure it would meet customers' expectations. While it was able to make up production later in the quarter, it was unable to ship around 1,400 vehicles in December.

Deliveries to customers in the fourth quarter totaled 9,834, up from 6,892 a year ago.

The strong dollar also had a negative impact, but CEO Elon Musk said he's reluctant to raise the price of the Model S, which starts at $71,000, to boost margins.

"It's not a cheap car. For the vast majority of our customers it's the most expensive car they've ever bought," Musk told analysts on a conference call late Wednesday.

Tesla currently makes one car, the Model S. Its Model X SUV is scheduled to go on sale this fall, while the Model 3, a $35,000 car, is expected to go on sale in 2017.

Musk acknowledged that the company had a rough start last year in China, where customers were unsure how difficult it would be to charge their vehicles. But he said Tesla will be able to turn things around. The company has already added maps and navigation to its cars in China, for example, to meet customers' demands.

"I'm confident, just as we're seeing high demand in every other part of the world, we'll see it in China as well," he said.

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT
123 Chalan Kareta Mangilao, Guam 96913-6304

NOTICE OF PUBLIC HEARING

PURSUANT TO § 9301, DIVISION 1, CHAPTER 9 TITLE 5 GCA, ALL AGENCIES OF THE GOVERNMENT OF GUAM ARE REQUIRED TO PUBLISH A NOTICE OF PUBLIC HEARING ON THE ADOPTION, PROMULGATION, REPEAL, RECISSION, OR AMENDMENT OF RULES. THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WILL BE ACCEPTING PUBLIC COMMENTS ON THE PROMULGATION OF RULES AND REGULATIONS GOVERNING CHEMICAL TOILETS BY THE DIVISION OF ENVIRONMENTAL HEALTH:

DATE: Friday, February 27, 2015
TIME: 2:00 P.M. TO 5:00 P.M.
PLACE: DIVISION OF SENIOR CITIZENS CONFERENCE ROOM, CASTLE MALL, MANGILAO

Copies of the proposed rules and regulations are available for inspection at the Division of Environmental Health (DEH) on the 2nd floor of the Department of Public Health and Social Services in Mangilao, and on the DPHSS webpage at dphss.guam.gov. Please call DEH at 735-7221 for questions and assistance.

JAMES W. GILLAN, Director

Guam Sports Events Incorporated (GSE)

Balance Sheet
As of 12/31/2014

Assets		
Checking- Operating	$128,314.53	
Accts Receivable-Other	$228.12	
Prepaid Expenses	$141,367.81	
Total Assets:		$269,910.76
Liabilities		
Trade Accounts Payable	$160,343.28	
Deferred Revenue	$114,549.36	
Total Liabilities:		$274,892.64
Equity		
Unrestricted net assets	$-4,981.88	
Total Equity:		$-4,981.88
Total Liabilities & Equity:		$269,910.76

Income Statement
For The 12 Periods Ended 12/31/2014

	Year to Date
Revenue	
Sponsorship Income	$7,500.00
Race Fees	$8,400.00
Total Revenue:	$15,900.00
Expenses	
Event Expenses	$19,228.43
Online Registration Fees	$739.48
Promotional Materials	$915.96
Total Expenses:	$20,881.88
Net Income (Loss):	$-4,981.88

U.S. PROBATION OFFICE

Districts of Guam and the Northern Mariana Islands

EMPLOYMENT OPPORTUNITY: Vacancy Announcement No. GUP 15-002

Position Title:	**Probation/Pretrial Services Administrative Assistant**
Type of Appointment:	Full-Time Permanent
Classification Level:	Court Personnel System - Grade CL-24
Salary Range:	$35,055 to $56,974 (Salary commensurate with experience plus 13.84% COLA, which is subject to change)
Area of Consideration:	All Sources
Opening Date:	January 30, 2015
Closing Date:	**February 27, 2015 at 5:00 pm**
Location of Vacancy:	Guam

Position Overview

The Probation/Pretrial Services Administrative Assistant provides specialized administrative and technical support to probation/pretrial services officers of the U.S. Probation and Pretrial Services Office in the District of Guam. The incumbent can also be assigned to work in the U.S. Probation Office, District of the Northern Mariana Islands. Work is performed under the supervision of the Deputy Chief U.S. Probation Officer or designee.

This position requires the following: 1) U.S. Citizen or eligible to work in the United States; 2) High school graduation or the equivalent (either a G.E.D. or other recognized certificate); 3) Two years general experience; and 4) One year specialized experience equivalent to work at CL-23.

Applicant requirements include: 1) The proficiency in the use of personal computers to include a working knowledge of Microsoft Windows XP™ or higher, Microsoft Word 2010™ or higher, WordPerfect 13™ or higher, and Internet browsers; 2) Strong organizational, writing, and verbal communication skills to include a good knowledge of spelling, punctuation, and grammatical usage, and the ability to type 40 words per minute; and 3) Ability to interact, communicate effectively (orally and in writing), and work well with people of diverse backgrounds, including law enforcement and collateral agency personnel at different government levels, community service providers, and offenders/defendants.

Application Procedure

The complete announcement, AO 78 application form, and position description are available on our website at **http://www.gup.uscourts.gov**. The U.S. Probation Office reserves the right to amend or withdraw any announcement without written notice to applicants.

All application documents must be received at the U.S. Probation Office address listed in the complete announcement no later than Friday, February 27, 2015, at 5:00 p.m. Applications will not be accepted via email or facsimile. Incomplete and untimely applications will not be considered. The most qualified applicants will be invited to, and must be physically present for, a personal interview. Travel expenses and relocation expenses will not be reimbursed. All application information will be subject to verification.

The U.S. Probation Office is an Equal Opportunity Employer.

Doc. No. 34GL-17-0646.

LETTER RE: GUIDANCE FOR FORMATTING RULES AND REGULATIONS

Guam Law Library, 141 San Ramon Rd., Hagåtña, Guam 96910-5174
Telephone: (671) 477-7623 and 472-8062 Facsimile: (671) 472-1246

F. PHILIP CARBULLIDO
Chief Justice

GERALDINE AMPARO CEPEDA
Compiler of Laws

GUIDANCE FOR FORMATTING RULES AND REGULATIONS (GAR)

The Office of the Compiler of Laws is statutorily mandated to "[u]ndertake the publication of the continuing Administrative Rules and Regulations" of Guam. 1 GCA § 1602(c). The authority for the rule-making procedures of government of Guam agencies, departments, and other entities are set forth in Title 5, Guam Code Annotated, Chapter 9, Article 3, entitled "Rule-making Procedures." As part of this process, the rules are statutorily required to be "in a form approved by the Compiler of Laws." 5 GCA § 9303(a).

To assist government of Guam agencies, departments, and other entities, with the process of publishing submissions for including in the Guam Administrative Rules & Regulations (GAR), the Office of the Compiler of Laws has prepared this document to give guidance in the drafting process. It is strongly encouraged that those responsible for drafting rules and regulations review the recommendations and utilize the standard format herein, which was approved by the Guam Code Advisory Commission on June 21, 2005. Compliance with the recommended format will be de facto indication that that the submission is in a format approved by the Compiler of Laws.

Recommendation 1
Please compose GAR sections according to the diagram below. It is helpful to know that the GAR is divided into the following subdivisions in descending order:

Title (mandatory)
Division (if necessary)
Part (if necessary)
Chapter (mandatory)
Article (if necessary)
Section (mandatory)
Subsection (if necessary)

Note that Title, Chapter and Section designations are required for any codification scheme. Division, Part and Article designations are sometimes not used in particular codification schemes. We recommend that whenever possible, Article designations be used. The following diagram shows an example of the general codification scheme for the GCA, which similarly applies to the GAR:

Recommendation 4

Please use Times New Roman font in documents. Times New Roman seems to be used universally and is a true-type font necessary for embedding in documents to be published. We use this font exclusively in all GAR documents.

Recommendation 5

When assigning a code section number to a new statutory addition and you are unsure of whether the desired code section number is vacant and available, please call our office.

Thank you for considering these recommendations. Please note that the suggestions herein are not necessarily hard and fast rules. There may be occasions requiring deviation from any standard formatting scheme. If you have any questions or comments, please do not hesitate to call my office.

GERALDINE A. CEPEDA

PUBLIC HEARING TRANSCRIBED ORAL TESTIMONIES

MINUTES OF PUBLIC HEARING
Proposed Rules and Regulations
Governing Chemical Toilets
February 27, 2015 (2:00 p.m. – 5:00 p.m.)
Division of Senior Citizens, Conference Room
Castle Mall, Mangilao

TOPICS	DISCUSSIONS	REMARKS AND ACTIONS TO BE TAKEN
I. Attendance	There were 5 representatives from the Department of Public Health and Social Services (Division of Environmental Health) present.	DEH Representative Present: Rosanna Rabago, EPHO Administrator Cynthia Naval, Planner IV Katherine Duenas, EPHO I Maria Wahl, EPHO I Michelle Lastimoza, EPHO III
II. Opening Remarks		Hafa Adai. It is now 2:03 PM, on February 27, 2015. My name is Rosanna Y. Rabago; I am an Environmental Public Health Officer Administrator with the Division of Environmental Health of the Guam Department of Public Health and Social Services. On behalf of the Director of this Department, Mr. James Gillan, we welcome you all to this public hearing where we will be accepting and hearing comments on the proposed *Rules and Regulations Governing Chemical Toilets.* With me today is Ms. Katherine Duenas, Environmental Public Health Officer with Division of Environmental Health and Ms. Cynthia Naval, Planner IV also with the Division. The promulgation of rules and regulations is governed by the Administrative Adjudication Law (AAL; Title 5, Chapter 9, Guam Code Annotated), and Section 9301 of that law requires that 10 days before the public hearing, a notice must appear in the newspaper of general circulation in Guam announcing the date, time, and place of the public hearing. The Department did comply with that provision by publishing the announcement in the *Marianas Variety* on February 13, 2015. The Department published a second announcement on February 26, 2015. As part of the AAL procedures, it was determined by the Department that these proposed rules are exempted from the requirements of an Economic Impact Statement because the annual economic impact to the general public will be less than five hundred thousand dollars. Title 10 GCA, Chapter 39 mandates the

		Division of Environmental Health to regulate chemical toilets. To carry out the provisions of this mandate, Section 20105 of Title 10 GCA, Chapter 20 authorizes the Director of the Department of Public Health and Social Services to adopt and promulgate rules and regulations as necessary. The adoption of these proposed rules and regulations for which we are having this public hearing will be first for chemical toilets. Sanitary Permits will be required of all new and existing chemical toilet establishments to ensure compliance with the sanitary requirements proposed in these rules and regulation. Chemical toilet establishments include facilities that directly or indirectly in any manner, conduct, control, manage, maintain, or operate a chemical toilet. Sanitary Permits will be issued after the chemical toilet establishment and its chemical toilets meet the proposed standards. The major concerns will be the type of disinfection that will be used; the frequency at which the chemical toilets will be serviced; and where the chemical toilet wastes will be disposed. Some of the requirements proposed in these rules and regulations include compliance inspections, issuance of grades (A to D), and the issuance of administrative penalties which may consist of fines from One Thousand Dollars up to Three Thousand Dollars. We will now formally accept any written or oral testimonies on the proposed *Rules and Regulations Governing Chemical Toilets*. Dangkolo Na Si Yu'os Ma'ase!
III. Written or Oral Testimonies	The following were present to give testimony: Dennis Arceo, SOS Portables Dennis Sulio – Todo Mauleg (he said he would look at it) Loulani Casa – Todo Mauleg EIS Mr. Dennis Arceo, Representative, SOS Portables – apologized in advance that some of his comments and concerns may be a little bit nitpicky, but of course it is our livelihood. Mr. Arceo wanted to point out his	

	concern on page 2, EXEMPTION FROM ECONOMIC IMPACT STATEMENT. Mr. Arceo - Who determines whether this will have a 500K annual impact or not? Mr. Arceo - What is it based on? What are the parameters to find out whether it's 500K or not? Mr. Arceo, stated that if you look at PSAI website the first thing it tells you is that portable toilets save 125 million of gallons of fresh water per day. Of course that needs to be broken down for Guam about 45 billion gallons of water annually, and I could say that can equate to about 500k. But, aside from that we put our toilets on construction sites, public parks, etc. if we weren't there, construction sites could not begin, and 100's to 1000 employees possibly could be out of a job. One construction site can cost 52 million, another can cost 10 million so, how do we say that this does not have a 500k impact or not, on the public? People would be out of a job, besides our employees, based on the rules of having a portable restroom on a construction site, they wouldn't be able to begin if we weren't able to operate, and that would impact them, and impact our economy and everything else. Mr. Arceo -So, how is it based? A lot of Public Parks need toilets and without that they would be polluted, trashed and people would be using restrooms in the jungles, etc. I think this is also something that needs to be looked at as an economic impact. Mr. Arceo stated that as far as the regulations some of us would not be	Ms. Rabago replied that the Department of Public Health and Social Services, and the Division of Environmental Health. Ms. Naval stated that generally we try and look at where we think any kind of cost increases might occur, and how those cost increases might be passed on to the general public. Ms. Naval- responded that the intent of the legislature when they added this to the process that we go thru for Rules and Regulations is that they wanted to look more at what a negative economic impact would be on the

	able to operate if we didn't meet the requirements and regulations, and being fined for certain things that are beyond our control. Mr. Arceo - Replied that people being out of a job would be a negative impact.	Ms Naval asked Mr. Arceo that because we are putting these Rules and Regulations in place would this be a result of people losing jobs? And, if they do that how much of an economic negative economic impact would that be? Ms. Naval replied that the comments he made would go towards a positive impact, which would be included as well. Ms. Naval stated that what we would do if we thought a net negative impact would be 500k or more on the general public, is we would include your testimony and comments as part of a beneficial impact. Also, how it would prevent the waste and loss of water so it would outweigh any negative impact. Ms. Naval mentioned that she thinks that because the net impact would be positive, it would not be up to 500k for a negative impact on the economy. This is what was being looked at when they requested the economic impact statements.
	Mr. Arceo – wanted to comment on Section 41904, page 6, Line 1, Chemical Toilets Mr. Arceo stated that certain requirements must be met to consider a portable toilet fit or approved for use. Mr. Arceo replied, yes. Mr. Arceo -So, what would be the cost for the permits? What is the time frame for inspections of units? Mr. Arceo also mentioned that they keep unbuilt units in stock and once built they must be inspected before they go out into the field. Mr. Arceo -How soon can someone inspect the unit? How much would	Ms. Naval stated that the intent is to look at your chemical toilet establishment which is your base of operations and inspecting that for pre operational inspection. Although, you are already in existence, so it would be similar to a pre-operational inspection to obtain your Sanitary Permit. Ms. Naval asked when the chemical toilets are built, do they follow the same procedures, and are most built in the same manner with the same materials? Ms. Rosanna asked do they meet specifications, vents, and if all the waste would be contained within impervious septic container?

	that cost? And why do you need to inspect each and every single unit?	
	Mr. Arceo – wanted clarification if each individual toilet would have to be inspected before it is permitted, like a vending machine? Also, would each unit get a stamp? This was based on previous meetings held with DPHSS/DEH.	Ms. Naval replied the idea at the time was to put a sticker or a permit on each one at the time, but this is not the case. So, only the establishment would be permitted with the existing toilets for the first or initial inspection. So, we know what you are using is going to meet the requirements. And we would like to know the changes in your process so, we can see how it would affect the toilets you are building and the base of operations is not likely to move.
	Mr. Arceo - If we were to move, do we need to apply for another Sanitary Permit for every location we move to?	Ms. Naval replied yes, that would be the same for any other establishment, not specific for chemical toilet establishments. Ms. Rabago stated to answer the question regarding the cost. The cost of the Sanitary Permit would be reflective on the Rules and Regulations Governing Sanitary Permit.
	Mr. Arceo replied yes, we do have records.	Ms. Naval stated the chemical toilet flat fee is 500 per year. This includes toilets and establishment, no matter how many separate toilets you have, and not toilet based. Ms. Naval inquired with Mr. Arceo if records were kept of the number of units? Are they individually numbered and where they were located?
	Mr. Arceo – had a comment on Section 41904; Chemical Toilets, page 6, Line 2 No building, as defined herein, shall use chemical toilets for the disposal ….	
	Mr. Arceo stated he didn't understand this line in particular, No building as defined herein?	Ms. Naval provided an explanation that if you have a regular set up (building) connected to a sewer system or other means of disposal. You would not have the need for a chemical toilet to serve the needs of a building. Ms. Naval stated that this is already established in statute that buildings are not allowed to use chemical toilets.
	Mr. Arceo replied that this was a little vague. Because we do rent out to houses, that do not have toilets, that is perfectly legal, even in the	Ms. Rabago stated that the building is defined in Section 41903, page 4, Definitions "(a) Building means any dwelling, apartment house, hotel, business establishment,

	states, they rent them out to trailer parks, trailer homes that don't have toilet facilities. Mr. Arceo mentioned that there are a few businesses like some dive shops that only have a container space using portable toilets which is one reason he wanted more clarification. Mr. Arceo wanted to comment on Section 41904, page 6, Line 3, Chemical Toilets …chemical toilets may be used at construction sites, outdoor recreation areas and similar areas approved by the Director. Mr. Arceo – So, if I need to rent a unit to a dive company do I need to go to the Director? Do I need to get a written consent? How long will that take? Or does the customer need to go to the Director? And ask him for written consent and how long will that take?	commercial establishment, church, meeting hall, or any other building used for human occupancy, business activity or assembly." Ms. Rabago asked Mr. Arceo for the source of the document he is referring to (PSAI) Portable Sanitation Association International. (Mr. Arceo provided a hardcopy) Ms. Rabago replied no, I don't think this was the intent, but we may just come up with recommended areas that would already be approved by the director where chemical toilets would be placed. CN- stated that she thought page 6, Line 3, Chemical toilet, chemical toilets may be used at construction sites, outdoor recreation areas and similar areas approved by the Director was taken from statute. We would need to go back and verify this line and also, visit the suggested locations.
	Mr. Arceo stated that from the PSAI small list where toilets are placed. Permanent dwellings, units are rented out to camp sites, and from temporary to permanent are accepted and acceptable. Mr. Arceo mentioned that the Gil Baza area rent toilets from SOS all the time, and some area in Chamorro land trust. That is exactly what our toilets were made for to put a facility where they wouldn't otherwise have one. Mr. Arceo - So, do we run to the Director for approval? Mr. Arceo stated that he didn't think the Director has the time for this process. Mr. Arceo - If this is not the final draft I am hoping that it would be in included, and yes, being that we can be fined for not following certain protocol or regulations, I would want it to be specific. As to where a unit would be placed at for example at a residential area. I don't want to be fined if a unit was not where it's	

	supposed to be.	Ms. Rabago replied that they would go back and compare the language in section 41904; pg. 6; lines 2-4; with Title 10 GCA, Chapter 39 Waste Water and Toilet. Ms. Rabago stated that they will look if there are any conflicting languages between the proposed regulations and the statute. She also mentioned that if the statue itself is specific in the language, then we are held by that standard in these proposed rules and regulations. (page 3 on the statute) Ms. Naval replied that the language is from statute Title 10 GCA, CH 39 Section 39108, page 3 therefore, it seems we are bound to the language by the statute. Ms. Rabago mentioned that as far as the chemical toilets placement. There is room for the director to come up with a list of facilities that would already be approved to prevent that situation from happening where all the chemical toilet establishments would need to seek individual approval Ms. Naval also replied and also in terms in preserving public health.
	Mr. Arceo – comment on Section 49107, page 8, lines 17, 18 and 19, Sewage Pumper Truck Requirements (e) Sewage pumper truck shall have the name and address…	
	Mr. Arceo stated it's not too big of an issue, but a lot of our trucks don't have bodies. They are actual tanks and the tank is usually covered by the hose, etc. There is no space for 4" letters, only space for signage on the door, not sure if that would fit, just wanted to point that out. Mr. Arceo – comment on Section 41909, page 9, Line 14-18 (e) the toilet rooms must be ventilated…	Ms. Naval replied maybe have additional language, to say as long as it's visible. Ms. Rabago also mentioned something that can identify the company
	Mr. Arceo commented that some of the portable toilets don't have vents or screens.	Ms. Naval replied so, how are they ventilated?

	Mr. Arceo replied the seat and that's about it. There are only a few units out there and are used for high rise units (pictures provided) Mr. Arceo briefly discussed the specifications and use of units which are used in high rise buildings that have multiple floors. There are no screens whatsoever or vent and not enclosed and compact meant to fit under roof under 7 feet	
	Mr. Arceo replied yes, we have a few and SOS is planning to order more. Mr. Arceo wanted to make sure that these are acceptable. The manufacture is Poly John	Ms. Rabago inquired if there are any on island. Ms. Naval stated she was concerned about the privacy issue.
	Mr. Arceo commented on Section 41909, page 9, (f); this does not have 3' of space of urinal only	
	Mr. Arceo commented that approved units change out every year, and it would be safe to go by manufacture specifications. Mr. Arceo commented on Section 41909, Page 10, Line 1, (g)	Ms. Naval replied that comments made would be taken for further discussion.
	The urinal only unit is an 11 gallon tank not 33 gallons; another unit not sure how many gallons Mr. Arceo commented on Section 41909, page 10, Line 6 (h) EPA approved chemicals… As far as deodorizers there are no EPA approved deodorizer forms. I checked websites, suppliers, and called GEPA if they had a list of approved deodorizers and there are none.	Ms. Rabago asked if Mr. Arceo would be able to provide the specifications for these units.
	What is being considered a deodorizer it's a masking agent, and not considered a pesticide or something that will kill something. It's not regulated by GEPA as per our local GEPA, pesticide division, in charge of cleaning agents, and there are no EPA approval uses. GEPA mentioned to use as directed like any household cleaner, and if there were any questions they can	Ms. Lastimoza wanted to clarify with Mr. Arceo if they were regulated by GEPA as a (UIC) Underground Injection? And do they add any biocides to their tanks? Ms. Lastimoza inquired if they added enzymes which can effectively control odors?

	call Mr. Carl Olson or Betwin. Mr. Arceo replied they only use deodorizer and water we don't use biocide, not sure if other company's use it. Mr. Arceo replied not sure because we don't use it. Mr. Arceo commented on Page 10 (i); line 8 Chemical toilets must be maintained in a clean and sanitary manner, free of odor and stains by the renter…. Mr. Arceo mentioned that the renter dictates how often they are serviced, can't force them, and they dictate how many they get, can't force them to pay for more. This is a gray area as far as who is at fault how can we be fined for something that is beyond our control. This will affect the company as public health issue, and needs to be worked on. Mr. Arceo commented that it's a nice thing, but how do we find that line of fault is it there's or ours? But we can't force them to pay. Mr. Arceo commented that with these regulations we could do something more, but then it gets complicated.	Ms. Naval replied that earlier version did not have any reference to the renter. Ms. Lastimoza stated that can it be addressed in your contract, and shift the liability if they knowingly, intentionally caused the damage. Because SOS could be fined for illegal discharge of waste water. Ms. Lastimoza commented that it was almost like a dumpster, commercial building owner and it is overflowing the building owner gets cited for the overflow of trash. It says that I'm responsible, because it's on my premise, it's identified and addressed in the contract. And the liability is not on me but on you the renter to inspect toilet provided. Ms. Wahl commented to have them document the number of employees on that site, and provide a receipt, and if it's over the number of employees it doesn't fall on SOS.

	Mr. Arceo commented on Section 41910, Page 10, Line 20, Usage; (b) Special Events Units… 200 uses with 4 hours just need clarification Mr. Arceo replied not necessarily just thought it was a type o. Mr. Arceo also briefly discussed special events and there is a special event guide to that they follow for the number of people.	Ms. Naval replied this is based on the ANSI standards. Ms. Rabago mentioned this was brought up at the last stake holder's meeting in July. Those standards were used as part of the improvements to our proposed regulations.
	Mr. Arceo commented on Section 41911, Page 12, Line 7; Service for special event units when at 1/3 tank capacity… So that makes it 2/3 full or 1/3 full this is like when it's fresh.	Ms. Naval stated that we may have to go back and not use the straight ANSI language. Ms. Rabago inquired if Mr. Arceo had any suggestions on that particular section Ms. Naval replied that the language was taken from ANSI so, should read as 1/3 tank capacity **remaining** Ms. Rabago thanked Mr. Arceo for bringing that to their attention and that she could understand how it can be confusing.
	Mr. Arceo stated that in closing he wanted to go back to Section 41909, page 10, Line 9 by the renter… getting enough toilets only thing that has come up within the years is to somehow regulate the building permits. So, when someone gets a building permit they should already know they need portable toilets. Mr. Arceo mentioned that big projects only get a few toilets because they can get away with it. Mr. Arceo commented that so, instead of regulating us so much as to say you need to keep this in a clean manner, and has to be emptied out at a certain amount of time every week. You should put it on them, because they need the permit and they have a business establishment, a construction site that needs a facility so, to nip it in the butt in the very beginning. Mr. Arceo further commented that	

	when they submit a plan for a construction permit, Why not ask them how many portable toilets and employees are you going to have? Mr. Arceo further stated that it's out of our control, and it would make us more than happy to abide by all these rules, and they would be following the correct allowances and we would be able to give them the service they need and deserve. This has been put out a few times, and the difference is different departments work with their own agendas and what not, and we understand that, but we figured that's probably the best way to start it and stop right there. Mr. Arceo mentioned that concerts and special events rent 5-6 toilets and are expecting a crowd of 5000 who is expected to go out there and service it? Mr. Arceo asked who do we call PH? And say hey their expecting 5000? But don't they automatically have to get additional toilets in case 5000 show up don't they have to abide by the possibilities? Mr. Arceo mentioned that they ask for recommendations and cut the recommendations in half we are more than willing to work with whoever we need to work with. If we can get something like that done. Mr. Arceo stated that the permitting section would be the fastest way to help all of us. Mr. Arceo inquired when is this possibly going to take effect. Mr. Arceo - Do we get to see a final draft before it's submitted or are we out of the picture once this is over?	Ms. Naval and Ms. Ragabo thanked Mr. Arceo for his comments. Ms. Naval replied 10 calendar days, and if you wanted to submit any other comments you may do so. Ms. Rabago replied yes, we can share it. Ms. Naval replied when it gets to the legislature especially something with this nature they may decide to have their own legislative public hearing. The AAL process was created so not everything would have to go to a public hearing but quite often when it reaches the legislature for filing, there they'll pick it up and say yes important enough to have

		a public hearing and the senator's want to get involved. Ms. Rabago mentioned that when the legislature decides not to act on it. Then it would sit with the legislative secretary for 90 days, and then after which if there is no action or public hearing at that level it would automatically be promulgated into our rules and regulations.
	Dennis Suion, Todo Mauleg Loulani Casa, Todo Mauleg Dennis, we will read thru the document and provide comments via email.	Ms. Rabago inquired if there were any more oral testimonies from the others present in the room.
	Mr. Arceo inquired if they can get a copy of the audio or transcription.	Ms. Naval replied yes, that can be made available.
	Mr. Arceo commented just like the grease trap pumping they must show a receipt, so maybe they need to show receipt that they have portable toilets.	Ms. Naval mentioned that Ms. Duenas had some ideas as to how we can work this into the business license clearance process. Ms. Duenas mentioned they would have to seek clearance before they get their business license. Ms. Rabago replied that they are certainly going to talk about the different types of units out there in the market. Ms. Rabago asked Mr. Arceo if he could provide specifications on the units which could go along a way in terms in educating our upper management on the different types that are out there such as manufacturer Poly John. Ms. Rabago it is 3:15 pm and there have been no additional testimonies both, oral or written that have been submitted at this time. Ms. Rabago closing remarks, it is now 5:00 pm there have been no additional testimonies both, oral or written that have been submitted. This concludes the Public Hearing for the proposed Rules and Regulations for Chemical Toilet.