

*I Mina'trentai Siette Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
<b>182-37 (COR)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted on the Floor.	Sabina Flores Perez	AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE <i>ORDOT</i> DUMP RESERVE FUND.	9/29/23 3:58 p.m.	10/5/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 10/5/23  10/16/23	11/3/23 2:00 p.m.	11/14/23 3:59 p.m.  As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Referred Version 10/3/23
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	1/22/24	AN ACT TO <i>ADD</i> A NEW ARTICLE 10 TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE <i>ORDOT</i> DUMP RESERVE FUND.	1/26/24	1/30/24	2/10/24	37-64	2/9/24	Received: 2/9/24 Messages and Communications Doc. No. 37GL-24-1640	

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

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

**Transmitted via email to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

February 9, 2024

**HONORABLE THERESE M. TERLAJE**, *Speaker*

*I Mina'trentai Siette Na Liheslaturan Guåhan*

37<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

37GL-24-1440

OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

FEB 09 2024

Time: 6:27 PM  
Received: SN

**Re: Substitute Bill No. 182-37 (COR) -AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE ORDOT DUMP RESERVE FUND**

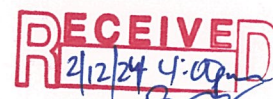
*Håfa Adai* Madam Speaker,

Substitute Bill No. 182-37 (COR) establishes the Ordot Dump Reserve Fund (“Fund”) and mandates that monies obtained in partial settlement of *Government of Guam vs. United States*, an action pending before the U.S. District Court for the District of Columbia, be deposited in the Fund and kept separate and apart from the General Fund. The bill further provides that the Fund is not subject to further appropriation, transfer to the General Fund should monies remain in the Fund at the close of each fiscal year, or the Governor’s transfer authority.

Before the Layon Landfill was established in 2011, the Ordot Dump served as Guam’s sole public landfill dating back to the 1940s. The U.S. military used Ordot Dump after World War II through the 1970s to dispose of military munitions and chemicals causing hazardous wastes to discharge into the surrounding areas, in violation of federal environmental laws. In 2017, our government, through the efforts of former Attorney General Elizabeth Barrett-Anderson and litigation counsel Kelley Drye & Warren LLP, filed suit against the United States government in the U.S. District Court for the District of Columbia to recover a portion of the cleanup costs for the dump, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”).

After years of litigation, in 2023, the Court approved a Partial Consent Decree, pursuant to which the U.S. agreed to settle Guam’s claims for past costs. The settlement was achieved following intense litigation in the District Court, a landmark U.S. Supreme Court victory, and mediation efforts led by the Office of the Governor, prior Attorney General Leevin Camacho, and our attorneys at Kelley Drye & Warren, LLP.

While the settlement represents a significant victory for our island, the Ordot Dump continues to require maintenance that is monitored through a separate action pending before the District Court of Guam. Claims for future costs remain unresolved in the CERCLA action. However, costs associated



To: Therese M. Terlaje, *Speaker*, 37<sup>th</sup> Guam Legislature  
Fr: Lourdes A. Leon Guerrero, *Governor of Guam*  
Date: February 9, 2024  
Re: Substitute Bill No. 182-37 (COR) nka P.L. 37-64

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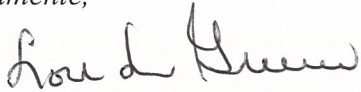
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with the continued maintenance of the dump are significant, and it is important that we take action now to ensure that funds are earmarked for this purpose.

By depositing the proceeds of the Partial Consent Decree in the Ordot Dump Reserve Fund, we ensure that our government has dedicated funding for necessary upkeep of the Ordot Dump without future rate increases for Guam Solid Waste Authority (“GSWA”) customers. Importantly, it also ensures that the landfill is properly maintained for the protection of our people and natural resources for generations to come.

For these reasons, I sign Substitute Bill No. 182-37 (COR) into law as ***Public Law No. 37-64***.

*Senseramente,*



**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*  
Governor of Guam

Enclosure: Substitute Bill No. 182-37 (COR) nka P.L. 37-64

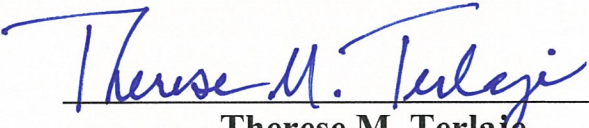
cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam  
Compiler of Laws



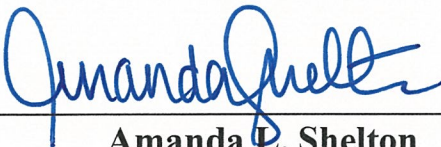
*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
2024 (SECOND) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN***


This is to certify that **Substitute Bill No. 182-37 (COR)**, “AN ACT TO *ADD A NEW ARTICLE 10 TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE *ORDOT DUMP RESERVE FUND**,” was on the 26<sup>th</sup> day of January 2024, duly and regularly passed.

  
\_\_\_\_\_  
Therese M. Terlaje  
Speaker


Attested:

  
\_\_\_\_\_  
Amanda E. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 30<sup>th</sup> day of January  
2024, at 10:17 o'clock A.M.

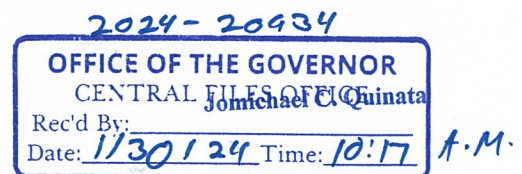
  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

  
\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: 2/9/2024

Public Law No. 37-64



***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 182-37 (COR)**

As amended by the Committee on Environment,  
Revenue and Taxation, Labor, Procurement, and  
Statistics, Research, and Planning; and  
substituted on the Floor.

Introduced by:

Sabina Flores Perez  
Chris Barnett  
Frank Blas, Jr.  
Joanne Brown  
Christopher M. Dueñas  
Thomas J. Fisher  
Jesse A. Lujan  
Tina Rose Muña Barnes  
William A. Parkinson  
Roy A. B. Quinata  
Joe S. San Agustin  
Dwayne T.D. San Nicolas  
Amanda L. Shelton  
Telo T. Taitague  
Therese M. Terlaje

**AN ACT TO *ADD* A NEW ARTICLE 10 TO CHAPTER 51A  
OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE  
TO ESTABLISHING THE *ORDOT* DUMP RESERVE  
FUND.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Article 10 is hereby *added* to Chapter 51A of Title 10,  
3 Guam Code Annotated, to read:

4 **“ARTICLE 10**

5 ***ORDOT* DUMP RESERVE FUND ACT**

- 1        § 51A1001.        Title and Purpose.
- 2        § 51A1002.        *Ordot* Dump Reserve Fund.
- 3        § 51A1003.        Eligible Expenditures.
- 4        § 51A1004.        Reporting Requirements.

5        **§ 51A1001.    Title and Purpose.**

6                This Act shall be known as the “*Ordot Dump Reserve Fund Act*.” The  
7        purpose of this Act is to create a reserve fund to pay for costs associated with  
8        the closure and maintenance of the *Ordot* Dump, and the opening and current  
9        expansion of the Layon landfill.

10       **§ 51A1002.    *Ordot* Dump Reserve Fund.**

11                (a)    There is hereby created the *Ordot* Dump Reserve Fund (Fund),  
12        which shall be maintained separate and apart from any other funds of the  
13        government of Guam, including the General Fund. The Fund shall be a  
14        continuing fund, and amounts credited to the Fund shall not be subject to  
15        further appropriation, and monies remaining in the Fund at the end of a fiscal  
16        year shall not be transferred to the General Fund. The Fund shall not be subject  
17        to the transfer authority of *I Maga'hågan Guåhan*.

18                (b)    The Fund shall include all money, payments, or other things of  
19        value in the nature of civil damages or other payments received by the  
20        Treasurer of Guam relating to the Partial Consent Decree approved by the  
21        U.S. District Court for the District of Columbia on September 25, 2023, in  
22        *Government of Guam v. United States of America*, Case No. 1:17-cv-2487.  
23        The Fund shall also include any interest earned on such amounts.

24                (c)    The Treasurer of Guam shall promptly credit all money,  
25        payments, or other things of value received pursuant to the Partial Consent  
26        Decree identified in Subsection (b) to the Fund.

1 (d) Nothing herein impairs or impacts Guam's right to seek the  
2 recovery of additional past or future costs associated with the closure or post-  
3 closure maintenance of the *Ordot* Dump. Nothing herein is to be construed or  
4 interpreted as the intent of *I Liheslaturan Guåhan* to diminish, abrogate,  
5 forfeit, or reduce any commitments or promises of the United States of  
6 America, prior to or after the partial settlement, in the case of *Government of*  
7 *Guam v. United States of America*, Case No. 1:17-cv-2487.

8 (e) The Guam Solid Waste Authority shall administer the Fund.

9 **§ 51A1003. Eligible Expenditures.**

10 Monies in the Fund shall be expended to reimburse Guam Solid Waste  
11 Authority for costs associated with the closure and maintenance of the *Ordot*  
12 Dump and the opening and recent expansion of the Layon landfill. Eligible  
13 expenditures shall include, but are not limited to, expenses for monitoring,  
14 testing, ensuring compliance with applicable permits and laws, litigation fees  
15 and costs, consultant fees, and fees and costs to ensure compliance with  
16 applicable permits.

17 **§ 51A1004. Reporting Requirements.**

18 Annually, no later than October 31 each year, the Guam Solid Waste  
19 Authority shall submit a report on the activity, revenue, and expenditures to  
20 and from the Fund to *I Maga'hågan Guåhan* and the Speaker of *I Liheslaturan*  
21 *Guåhan*. The report shall also be posted on the Guam Solid Waste Authority  
22 website. The report shall include, but not be limited to:

23 (a) the revenue credited to the Fund;

24 (b) the expenditures attributable to costs of administering the  
25 Fund, including administrative support to the Guam Solid Waste  
26 Authority; and

27 (c) an itemized list of expenditures.”

1           **Section 2. Severability.** If any provision of this Act or its application to any  
2 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
3 affect other provisions or applications of this Act that can be given effect without  
4 the invalid provision or application, and to this end the provisions of this Act are  
5 severable.