

**DIVISION VIII  
GUAM FEEDLOT WASTE MANAGEMENT  
REGULATIONS**

**CHAPTER 40  
GUAM FEEDLOT WASTE MANAGEMENT  
REGULATIONS**

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**NOTE:** Rule-making authority cited for formulation of regulations for the Guam Feedlot Waste Management Regulations section of the Guam Environmental Protection Agency, 10 GCA §57170 to §57172.

These Rules and Regulations were filed with the Legislative Secretary on October 29, 1986.

**§40101. Authority.** (1) "Title 10 Guam Code Annotated, Chapter 45 §45105". Powers and Duties. The Guam Environmental Agency is responsible for the implementation of the Water Pollution Control Act, Chapter 47 of this Part.

(2) "Title 10 Guam Code Annotated, Chapter 45 Section 45106". Rules and Regulations. Notwithstanding the provisions of Chapter 47, Title 10 of the Guam Code Annotated relative to rule making procedures under the Administrative Adjudication Act, the Agency is hereby authorized and directed to adopt, amend and repeal rules and regulations implementing and consistent with the powers and duties vested in the Agency pursuant to Section 45105; provided, however, that no action taken with respect to such rules and regulations shall be effective unless such action is first presented to and approved by the Legislature. If, after forty-five (45) calendar days, the Legislature has not expressly approved or rejected such action, or any part thereof, by a resolution duly adopted or by eleven (11) members of the Legislature, such action or any part thereof not expressly rejected shall be deemed to be approved.

**§40102. Purpose and Scope.** (1) To establish a permit system for the purpose of registering all commercial operations which produce animal waste noncommercial operations located in specifically identified sensitive areas.

(2) To establish regulations for the operation of permitted facilities with respect to requirements for waste storage, disposal or treatment facilities.

**§40103. Definitions.** (1) *Agency* means the Guam Environmental Protection Agency.

(2) *Animal waste control or disposal facilities* shall mean any structure or combination of structures utilized to control animal waste. Such structures shall include diversion terraces, holding ponds, debris basins, liquid manure storage pits, lagoons or other such devices utilized to control animal wastes.

(3) *Administrator* means the Administrator of the Guam Environmental Protection Agency or his duly authorized representative.

(4) *Waters of the Territory* means all shore waters surrounding Guam, streams, lakes, springs, irrigation system, marshes, water courses, waterways, drainage system, and other bodies of water, surface and underground, natural or artificial, publicly or privately owned.

(5) *Person* means any natural person, partnership or unincorporated association of natural persons, trusts, corporations or other types of private legal entities and public entities including the United States of America and the Government of Guam and any agency thereof.

(6) *Water Quality Standards (WQS)* means the latest Guam Water Quality Standards adopted by the Guam Environmental Protection Agency.

(7) *Pollution* means the alteration of the physical, chemical or biological properties of any waters of the territory to such a degree as to result in a violation of Guam's Water Quality Standards.

(8) *Wetland* means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that required saturated or seasonally saturated conditions for growth or reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, surface springs, estuaries and similar such areas.

(9) *Board* means the Board of Directors of the Guam Environmental Protection Agency.

(10) *Owner* means that person named on the operating permit and who has signed the application as the person legally responsible for the operation of the permitted facilities.

(11) *Feedlot* shall mean the feeding or holding of beef cattle, dairy cattle, horses, swine, sheep, poultry and other livestock in buildings, lots or pens, which normally are not used for growing of crops or vegetation. Two or more feedlot operations under common ownership are deemed to be a single feedlot operation if they are adjacent to each other or if they utilize a common area or system for the disposal of animal wastes.

(12) *Animal wastes* shall mean animal excreta and associated feed losses, bedding, spillage or overflow from water systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing into a feedlot operation, and other materials polluted by livestock or their direct products.

(13) *Commercial Feedlot* shall be defined as a feedlot operation which confines a sufficient number of animals such that the total manure production exceeds 100 pounds per day. Per animal manure contribution is based on values attached to application.

(14) *Individual Wastewater System Regulations* - means the latest Revision of Guam's Individual Wastewater System Regulations as approved and adopted by the Guam Environmental Protection Agency.

**§40104. Animal Waste Control.** (1) Operations Requiring a Permit.

(a) Any person who operates or owns a commercial feedlot operation shall be required to apply for and obtain a permit for such operation.

(b) Any person who operates a feedlot which is not large enough to be considered under the definition of commercial feedlot operation but is located within 500 feet of any water well used for supplying potable water shall apply for and obtain a permit.

(c) Any person who owns or operates storage or holding facilities for animal wastes from a commercial feedlot operation prior to final disposal or processing shall obtain a permit for such operation.

(2) **Initial Applications** (a) All operations covered under Section A shall within 90 days of the effective date of these Regulations apply for an operating permit.

(b) Initial compliance with these Regulations shall be in accordance with a compliance schedule contained in a temporary operating permit which will be issued to allow non-complying facilities time to come into conformance with those regulations. In no case will this compliance period exceed the one year period allowed under Section H: Revised Regulations.

(c) Any person whose application for a permit under this regulations has been denied shall be notified in writing as to the reason for denial and such person may within 15 days after date of official notification, shall file a written request for a hearing before the Agency. Such hearing shall be held by the Agency within 30 days after receipt of the request and upon reasonably notice to the applicant. The Board of Directors of the Agency shall affirm, modify, or revoke the denial, or issue the permit on the basis of the evidence presented at the hearing.

(3) **Animal Waste Control or Disposal Facilities: General Requirements.**

(a) **Review of Proposed Facilities for Feedlots:** All proposed feedlot operations which are required to have a permit by these regulations shall apply for a building permit from Department of Public Works and then shall have the location reviewed and approved by the Department of Land Management for proper zoning and the Department of Public Health and Social Services for proper vector control measures, which shall note that fact on the plans and specifications, and shall then be sent to the Agency for review and approval along with an application for an Operating Permit.

(b) **Compliance with Local Zoning Requirements:** A permit shall not be approved for any existing or proposed feedlot operations which would be operated in violation of any zoning regulations of any local government body. It is the responsibility of the owner to determine what zoning regulations and restrictions exist and obtain all needed clearances.

(c) **Animal Waste Control Facilities: Location.** No animal waste control facility serving a commercial operation shall be located:

(1) Within 500 feet of any well which constitutes a part of a territory's water supply, which well is registered with the Guam EPA and has an operating permit. Exception to this condition will not be considered unless the owner furnishes the Agency for its review, investigation and approval the engineering and geologic evidence showing conclusively that pollution of the groundwater will not result.

(2) Separation or other offsets shall be in accordance with the requirements stipulated in Individual Wastewater System Regulations.

**(d) Design of animal waste control or disposal facilities.** When animal waste control or disposal facilities are required, they shall be designed by an engineer, or other qualified person so long as the design meets the requirements set forth in these regulations. Information regarding the design and operational procedures for animal waste control or disposal facility will be submitted to the Administrator for approval together with the application form.

**(e) Application Review Time.** The Administrator shall review the application including plans and specifications for new or expanded facilities within thirty (30) days of receipt of a complete application. If a longer period of time is required the applicant will be so notified in writing prior to expiration of the thirty (30) days.

**(f) Clearances.** Depending on the type and complexity of the proposed facility, clearances may also be required by other agencies such as Public Utility Agency of Guam, Guam Power Authority and Guam Telephone Authority.

**(g) Occupancy and Operating Permits.** After the Agency approves the plans, specifications and operating procedures for the animal waste control or disposal facility, the owner shall secure a building permit from the Department of Public Works. After construction of the facility, and it has been inspected by this Agency, an occupancy permit shall be secured by the operator from the Department of Public Works and this Agency who will also at this time issue an operating permit. Operation of the approved system

may commence immediately after the issuance of an operating permit.

**(4) Operating permits:**

(a) **Application forms.** An application for an operating permit shall be made on a form provided by the Agency. The application shall be complete and shall include such detailed information as deemed necessary by the Administrator. The application shall be signed by the person who is legally responsible for the feedlot operation and its associated waste disposal system.

(b) Any owner whose feedlot operation is covered by these regulations and presently has a system which adequately controls the animal waste from the operation may, upon certification by the Agency, apply for and receive a permit to operate without the construction of any additional animal waste control or disposal facilities.

(c) **Compliance schedule.** When necessary for an existing facility to comply with a present standard or a standard which must be met at a future date, an operating permit shall include a schedule for the alteration of the permitted facility to meet said standards. Such schedule shall not relieve the permittee of the duty to obtain a building permit for these modifications as required by these regulations. New facilities must meet standards prior to the operation start-up.

(d) **Permit conditions** Operating permits shall contain such conditions as are deemed necessary by the Administrator to assure compliance with the applicable guidelines of the Agency, to assure that the waste-disposal system is properly operated and maintained, to protect the public health and beneficial use of our water resources, and to prevent water pollution from waste storage or disposal operations.

(e) **Permit renewal.** An operating permit will be granted by the Administrator for a period of five (5) years. Application for renewal of an operation permit must be submitted to the Agency at least ninety (90) days prior to the date the permit expires. Each permit to be renewed shall be subject to the provisions of the regulations which apply to the operation at the time of renewal.

**(5) Revocation, Modification, and Suspension of Permits:** A permit granted pursuant to these regulations may be revoked, modified or suspended by the Administrator in whole or in part for cause, including, but not limited to the following:

(a) Allowing a discharge of animal wastes into waters of the Territory which result in a violation of Guam Water Quality Standards and/or Safe Drinking Water Act.

(b) Permitting animal wastes to discharge onto adjacent property.

(c) Obtaining approval by misrepresentation or failure to disclose fully all relevant facts.

(d) Refusal to permit the Administrator or his representatives having provided adequate identification and reasonable notice:

1. to enter on the operator's premises, or
2. to sample any waste sources or any surface water or groundwater.

(e) Failure to empty and clean the animal waste control or disposal facilities as specified within the approved operating plans.

(f) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(g) Failure to submit such records and information as the Administrator shall require both generally and as a condition of the operation permit in order to assure compliance with the operation and discharge conditions specified in the permit.

(h) Violation of the Guam Water Resources Conservation Act and the Water Pollution Control Act, as amended by the Guam Groundwater Management Act.

(i) Violation of any term or condition of the permit.

**(6) Animal Waste Control or Disposal Facilities; Design Criteria:** Animal waste control facilities will be required whenever the discharge or runoff from a commercial feedlot operation has the potential to create a nuisance, violates Guam Water Quality Standards, results in a discharge into waters of the

Territory, or violates the Safe Drinking Water Act, the Water Resources Conservation Act and the Water Pollution Control Act, as amended by the Guam Groundwater Management Act. The selection of the type of facility to be designed and utilized rests with the operator/owner.

All system designs should be prepared under the direction of a professional engineer. At a minimum consideration must be given to site topography, soils, depth to groundwater, distance from wells or surface water, and complexity of operating conditions with respect to housekeeping procedures and final waste disposal. Each system and operation procedures must be approved by the Agency prior to its construction.

Acceptable types of animal waste control or disposal facilities are described hereunder.

(a) Open lot; animals are confined or penned on open ground. Confinement is such that daily food must be provided to the animals.

This type of facility is not acceptable in northern Guam within the Groundwater Protection Zone where the soils are highly permeable.

Open lots - all animal wastes, together with all rainfall runoff from the contributing drainage area which can be expected from the peak average wet weather month (16" of rain) may be controlled by one or more of the following methods:

1. A single retention structure.
2. A combination of debris basins and holding ponds.
3. Other waste control systems approved by the Agency.

Animal waste control or disposal facilities for open lots where runoff and erosion may be problem, shall be designed for appropriate erosion control measures (Erosion and Sediment Control Guide for Guam).

All retention ponds or structures shall be constructed in such a manner as to control the seepage from the facility with an appropriate liner which will limit the percolation to less than 0.1 inches per day. Discharges from these facilities will be in compliance

with the appropriate Water Quality Standards for the receiving medium and when required an NPDES permit obtained.

(b) Semi or totally housed feedlot operations: animals are confined in an area which has an impermeable floor and offsite surface drainage is diverted. Facility may or may not be covered or have solid walls.

(1) Containment Methods.

Semi or totally housed feedlot operations - all animal wastes, together with all rainfall and/or runoff which may enter the facility during the peak average wet weather month (16" of rain) may be controlled by one or more of the following methods:

(i) Provide total storage capacity in water tight liquid manure storage pits or tanks located wholly or partially beneath the confinement unit or in tanks, or holding ponds located outside of the unit or in combination thereof and sized to retain all animal waste solids for a minimum period of 30 days and all liquids for at least 48 hours. Facilities must be properly vented for the release and control of gases.

(ii) Provide a lagoon for biological treatment of all animal waste. Percolation and discharges from these facilities shall be limited/controlled by the same criteria as stipulated for open lot facilities.

(iii) Disposal to a community sewage system if available. This alternative will require prior concurrence of PUAG that the receiving treatment facility is capable of handling this waste and an assessment of appropriate service charges based on flow and waste strength.

(iv) Other waste control systems approved by the Agency.

(2) **Solids Storage and/or Disposal.** Digested solids removed from the holding tanks must be stored in such a manner as they are permitted to dry and remain dry until such time as they are

disposed of in an approved landfill or used as a soil enhance. Disposal of solids on the land may only be done in such concentrations and frequencies that will not inhibit growth of surface vegetation.

**(c) Expansion of Existing Feedlot Operation, Information Required.** When an existing feedlot operation with an approved waste control facility wishes to expand operations, information regarding the existing system for animal waste control or disposal along with the expansion plans, will be submitted for approval on the required application form.

**(7) Inspection of Feedlot Operations and Animal Waste Control or Disposal Facilities:** The agency shall be permitted access to feedlot operations in order to determine if animal waste control or disposal facilities are required, or at any reasonable time in order to determine the effectiveness of permitted animal waste control facilities.

**(8) Revisions to Regulations:** Effect on Existing Feedlot Operations:

(a) In the event these regulations are modified, amended or superseded by more stringent regulations, any approved feedlot operation operated in compliance with these regulations shall not be deemed in violation until one year has elapsed during which the operation can conform to the new regulations. All operations must be officially notified of such new Regulations which will establish the beginning date for the one year compliance period.

(b) All existing animal waste control or disposal facilities which have been approved by this Agency as of the effective date of these regulations and are being properly operated shall be considered in compliance with these adopted regulations.

**(9) Properly Operating Feedlot Operations; Not a Nuisance.** It shall be prima facie evidence that a feedlot operation is not a nuisance if:

(a) Reasonable techniques are employed to keep noise, insects, and odor at a minimum as defined by Department of Public Health and Social Services.

(b) It is in compliance with applicable regulation adopted by the Board and zoning regulations of the local governing body having jurisdiction; and

(c) The action is brought by or on behalf of a person whose date of lawful possession of the land claimed to be affected by a feedlot operation is subsequent either to the issuance of an appropriate permit by the Agency for such operation, and the operation is in compliance the permit, or to the operation of the feedlot and an on-site inspection by the Agency is made, before or after filing of the suit, and the inspection reveals that no permit is required for such operation.

**§40105. Penalties and Appeals.** (1) Any person who violates any of the provisions of these rules shall be penalized pursuant to §47111 of the Water Pollution Control Act as amended, Title 10 Guam Code Annotated.

(2) Any order or decision of the Administrator pursuant to these rules shall become final unless a hearing is requested before the Board. The Board shall have the power to review and to affirm, modify or reverse any order or decision of the Administrator so appealed. Such appeal shall be made pursuant to the provisions of the Administrative Adjudication Law, 5 GCA Chapter 9.

(3) Any order or decision of the Board pursuant to these rules shall be subject to an appeal therefrom to the Superior Court of Guam. Such appeal shall be made pursuant to the provision of the Administrative Adjudication Law, Chapter 9, 5 GCA.

**§40106. Validity of Rules.** Validity of Rules. If any rule, paragraph, subparagraph, sentence, clause, phrase or word of these rules, or any part thereof, be declared unconstitutional or invalid for any reason, the remaining portions of these rules or the application of these rules to other persons or circumstances or property shall not be affected thereby and shall remain in full force and effect, and to that end, these rules are declared to be severable.

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APPENDIX I
APPLICATION FOR FEEDLOT AND
ANIMAL WASTE DISPOSAL FACILITIES OPERATING
PERMIT

- 1. Date of Application:
2. Type of Application:
3. Name:
4. Address: Telephone No.
5. Location of Operation: Size of Feedlot:
6. Type of Operation:
7. Type and number of animals in facility:
8. Maximum number of animals the facility designed to accommodate.
9. Describe type of waste collection and treatment or holding facilities
10. Describe process for ultimate disposal
11. Total Estimated daily manure production
12. Signature
state that I have knowledge of the facts herein set and that the same are true and correct to the best of my knowledge and belief and are made on good faith.
Signature Date

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For Agency Use Only:

Inspection of the feedlot facilities was conducted on \_\_\_\_\_ by \_\_\_\_\_

Findings:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewed by the Chief Engineer:

\_\_\_\_\_  
Date: \_\_\_\_\_

Recommendations:

Approved

Disapproved

Reasons for disapproval:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed:

\_\_\_\_\_ Date: \_\_\_\_\_

Administrator

Feedlot Operating Permit No. \_\_\_\_\_

Date Issued \_\_\_\_\_

Expiration Date \_\_\_\_\_

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APPENDIX II

WASTE PRODUCTION

Animal	lbs.	Size	Waste Production lbs./day
Nursing Pig	<35		2.3
Growing Pig	65		4.2
Finishing Pig	150		9.8
	200		13.0
Boar/Sow	350		11.0
Gestate Sow	275		8.9
Sow and litter	375		33.0
Layers	4		0.21
Ducks	6		0.32

For each size or type of animal perform the following calculation and report total under item 11 on application.

Number of animals      Waste Production      Waste Production  
of a certain type size X #/day      =      per day