

10 GCA HEALTH AND SAFETY
CH. 48 TOILET FACILITIES AND SEWAGE DISPOSAL

CHAPTER 48
TOILET FACILITIES AND SEWAGE DISPOSAL

SOURCE: This Chapter, originally codified as GC § 57060-57084, was added by P.L. 3-109 (Aug. 3, 1956), effective Oct. 13, 1956; renumbered and amended by P.L. 12-191 (Dec. 30, 1974). Entire Chapter amended by P.L. 17-087 (Jan. 18, 1985).

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§ 48101. Definitions.

(a) “Cesspool” means an excavation which receives or is intended to receive untreated sewage and from which liquid seeps or leaches into the surrounding porous soil.

(b) “Privy” means a structure and excavation for the disposal of human excreta by non-water carriage methods and includes the term pit privy, trench latrine, and bored-hole latrine.

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(c) “Septic tank” means a water-tight receptacle which receives the discharge of untreated sewage designed and constructed so as to retain solids, digest organic matter through a period of detention, and allows the liquids to discharge into an exterior soil absorption system. They shall be fabricated or constructed of welded steel, monolithic concrete, fiberglass or an approved material. Tanks shall be watertight and fabricated to constitute an individual structure and shall be designed and constructed to withstand anticipated loads. The design of prefabricated septic tanks, the materials from which septic tanks may be constructed or fabricated, and the approval of plans for site-constructed tanks prior to construction shall be approved by the Guam EPA.

(d) “Sewage” includes untreated or insufficiently treated human excreta, food wastes disposed of through sewers, waste water, liquid wastes from residences, commercial buildings, public buildings and industrial establishments and such diluting water as may have entered the waste disposal system.

(e) “Leaching system” means a subsurface system of open-joint or perforated piping where septic tank effluent may seep or leach into the surrounding porous soil.

(f) “Administrator” for the purpose of this Chapter is the Administrator of the Guam Environmental Protection Agency.

(g) “Board” for the purpose of this Chapter is the Board of Directors of the Guam Environmental Protection Agency.

(h) “Fund” for the purpose of this Chapter means the Sewage Disposal Assistance and the NGLA Study Fund formed pursuant to this Chapter.

(i) “GEPA” shall mean the Guam Environmental Protection Agency.

(j) “Private sewage disposal system” means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage disposal system, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure. A private sewage disposal system is permitted to be owned by the property owner. A private sewage disposal system excludes cesspools.

(k) “Advanced nitrogen-reducing onsite disposal system” means an onsite wastewater treatment and disposal system that reduces total nitrogen in effluent by at least fifty percent (50%) and that is certified by the Guam Environmental Protection Agency.

(l) “Soil absorption system” means a subsurface system of piping where effluent from septic tanks and other approved treatment tanks may seep into the surrounding porous soil by gravity. The piping is backfilled with the finished grade blending into adjacent grade level. This term can encompass leaching systems, as well as other systems for soil absorption.

SOURCE: GC § 57060. Amended by P.L.17-087:3 (Jan. 18, 1985). Subsection (c) amended by P.L. 37-105:2 (July 18, 2024) and subsections (f) through (l) added by P.L. 37-105:3.

§ 48102. Toilet and Sewage Facilities Required.

No building shall be occupied or used as a dwelling, school, public building, commercial building, industrial building or place of assembly without toilet and sewage facilities of a type required by this Chapter for the disposition of human excreta and other domestic wastes.

SOURCE: GC § 57061. Amended by P.L.17-087:3 (Jan. 18, 1985).

§ 48103. Maintenance: Responsibility.

Toilet and sewage facilities shall be maintained at all times in good repair and in a clean and sanitary condition. The owner of a property is primarily responsible for the structural integrity, good repair and maintenance of toilet and sewage facilities in conformity with the provisions of this Chapter. He is responsible for the replacement of broken or worn-out equipment or parts, and the cleaning of obstructed or broken pipes or drains. The lessee, occupant, or person in possession of property is responsible for keeping such facilities in a clean and sanitary condition.

SOURCE: GC § 57062. Amended by P.L.17-087:3 (Jan. 18, 1985).

§ 48104. Types of Toilet and Sewage Facilities.

(a) The following types of toilet facilities are permitted under the terms and conditions as hereinafter provided:

Type 1: Toilets flushed with water and connected to a public sewer.

Type 2: Toilets flushed with water and connected to a private sewage disposal system, not including cesspools.

Type 3: Privy type, including pit privy, trench latrine and bored-hole latrine.

Type 4: Toilets flushed with water and connected to an advanced nitrogen-reducing residential onsite disposal system.

(b) When a public sewer is available, all buildings used for human occupancy, employment or recreation and situated upon land abutting any road, street, or other way or easement in which a public sewer is located, must have suitable toilet facilities installed and connected to the public sewer, in accordance with the following schedule:

(1) Every such building constructed after the effective date of this Act or after a public sewer becomes available, whichever is later, must include such installation and connection in the construction.

(2) Any such building existing at the time a public sewer first become available and being served only by Type 3 facilities must be provided such installation and connection within six (6) months after the public sewer become available.

(3) Any such building existing at the time a public sewer first becomes available and being served by Type 2 or Type 4 toilet facilities which are entirely adequate and without defect may continue to be served by such existing facilities for a maximum period of two (2) years' time upon the following conditions:

(A) No additions of or to such buildings that generate additional sewage loading will be permitted.

(B) Whenever any such toilet facility become defective or inadequate, connection to the public sewer must be made within thirty (30) days after notice given by the Administrator, who may, however, upon application, extend the time to not more than six (6) months if he/she finds that the defect or inadequacy is not hazardous to health.

(C) Whenever a public sewer becomes available, the Administrator, as soon as possible, shall make or cause to be made an inspection of all Type 2 or Type 4 facilities on lands abutting the road, street, or other way or easement in which such sewer is located and shall promptly notify the persons concerned of his determination of which such facilities may continue to be used as above provided.

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(D) In situations within the Groundwater Protection Zone where the density of Type 2 and Type 4 facilities exceeds four (4) septic tank and soil absorption systems per acre and public sewer is available, in order to protect the groundwater, the Administrator, upon documenting the feasibility of connecting the toilet facilities to the sewer line, has discretion in requiring building owners to connect to the public sewer within six (6) months of being served proper notice.

(4) The Administrator may inspect or cause to be inspected any toilet facility at any time and shall make or have made suitable inspections with such frequency as may be necessary to assure compliance with this Chapter.

(c) Where water is available from a public water system as defined by 10 GCA, Chapter 53, § 53102, but a public sewer is not available, toilet facilities shall be of Type 2 or 4 pursuant to regulations promulgated by GEPA. With respect to buildings in existence on the effective date of this Act, this Subsection, shall apply to all such buildings, except dwellings, from and after six (6) months after the promulgation of rules and regulations by GEPA, or after water becomes available, whichever is sooner. This Subsection shall apply to dwellings from and after one (1) year after the promulgation of rules and regulations by GEPA, or after water becomes available, whichever is sooner. This Subsection shall not apply to any such existing building where the size of the lot or the soil permeability of the lot, as may be determined by the Administrator, is inadequate and unsuitable for the installation and operation of toilet facilities of Type 2 or Type 4.

(d) In all other cases, toilet facilities shall be of Type 2 or Type 4 pursuant to regulations promulgated by GEPA. In no case shall the construction of new cesspools be allowed.

(e) Only for land covered by 21 GCA, Chapter 62, § 62104(a) (land which is an asset of the estate of decedent) that is located within the Groundwater Protection Zone (GPZ) as established under 10 GCA, Chapter 47, § 47108.1:

(1) the minimum lot size on which a Type 2 facility serving a single dwelling unit shall be nineteen thousand two hundred (19,200) square feet;

(2) the minimum lot size on which a Type 4 nitrate reducing system facility serving a single dwelling unit shall be nine thousand six hundred (9,600) square feet.

SOURCE: GC § 57063. Amended by P.L.17-087:3 (Jan. 18, 1985). Subsection (a) amended by P.L. 37-105:4 (July 18, 2024), subsections (b)(3) and (b)(4) amended by P.L. 37-105:5, subsections (c) and (d) amended by P.L. 37-105:6, and subsection (e) added by P.L. 37-105:7.

2024 NOTE: P.L. 37-105:20 states: “Time Extension for Connection to Public Sewer. The timelines under § 48104(b) of Chapter 48, 10 GCA for connection to sewer for all existing buildings shall not begin at the date public sewer originally became available, but shall instead begin ninety (90) days following the effective date of enactment of this Act.”

§ 48105. Approval of Administrator Required.

(a) No toilet or sewage facilities or single-family residences, subdivisions, apartments, motels, hotels or other multihousing facilities may be constructed without the approval of the Administrator, or put into operation without his inspection and approval. The Administrator may require any or all the following information before giving such approval:

(1) Plot plan drawn to scale completely dimensioned, showing direction and approximate slope of surface, location of all present or proposed or existing retaining walls, drainage channels, water supply lines or walls, paved areas and structures on the plot and location of the sewage facilities with relation to lot lines and structures.

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(2) A description of the complete installation including quality, kind and grade of materials, equipment, construction, workmanship, and methods of assembly and installation.

(3) A log of soil formation and ground water levels as determined by the test holes dug, in accordance with the requirements of the Administrator, at the location of the proposed leaching system.

(b) No building permit or certificate of occupancy under the Building Law of Guam shall be issued without prior compliance with this Section.

SOURCE: GC § 57064. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 48106. Location.

(a) No septic tank, soil absorption system, or privy be located within a horizontal distance of three hundred (300) feet of any river, creek, pond, reservoir, stream, well, spring, or body of fresh water, or within a horizontal distance of five (5) feet of the boundary line of any lot or located in position not easily accessible for emptying or cleaning. No septic tank or soil absorption system shall be constructed, located, or maintained within a horizontal distance of ten (10) feet and no privy shall be constructed, located, or maintained within a horizontal distance of twenty (20) feet, of any dwelling, school, public building, or a building used for commercial or industrial purposes, or as a place of assembly.

(b) Additional location requirements for all other components of Type 2 or Type 4 systems may be established pursuant to regulations promulgated by GEPA.

(c) Provided, however, that the limitation with regard to location of any privy, septic tank, or soil absorption system within five (5) feet of the boundary line of any lot shall not apply to any privy, septic tank, or soil absorption system now so located.

SOURCE: GC § 57065. Amended by P.L.17-087:3 (Jan. 18, 1985). Amended and renumbered as (a), (b), and (c) by P.L. 37-105:8 (July 18, 2024).

§ 48107. Standards.

Every privy shall have a substantial and water tight curbing around the top thereof to retain the earth without, and to prevent the seepage of the contents thereof to the surface of the earth. Every [sic] and septic tank shall be provided with a manhole not less than twelve (12) inches or more than eighteen (18) inches in diameter or of equal area for inspection and cleaning purposes.

SOURCE: GC § 57066.

§ 48108. Lining Required.

[No text enacted by P.L. 17-087.]

SOURCE: GC § 57067. Amended by P.L.17-087:3 (Jan. 18, 1985); however, no text was enacted.

§ 48109. Inspection before covering.

No cover shall be placed over any septic tank or privy until diameter, depth and other dimensions of such septic tank, or privy have been inspected and approved by the Administrator, where such inspection and approval are required by this Chapter.

SOURCE: GC § 57068. Amended by P.L.17-087:3 (Jan. 18, 1985).

§ 48110. Additional Standards for Privies.

Every privy shall be fly-proof and rat-proof, adequately vented, and provided with a suitable shelter. Seats shall have a close-fitting cover. Pits shall be of sufficient depth so that when filled the contents may

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be covered with a minimum of two (2) feet of earth. During use, fresh deposits of excreta shall be covered with sufficient earth or lime to exclude flies and prevent odors. Pits shall be closed and sealed when the level of excreta reaches within two (2) feet of the earth's surface. A new pit shall be built to replace the old one if other sewage facilities are not available. The Administrator may authorize the proposed location of the new pit and inspect the completed privy prior to use.

SOURCE: GC § 57069. Amended by P.L.17-087:3 (Jan. 18, 1985).

§ 48111. Septic Tanks to Be Emptied and Cleaned.

Septic tanks shall be emptied and cleaned when necessary, or when ordered by the Administrator in the interests of public health, and the contents disposed of in such place and manner as shall be authorized by the Administrator.

SOURCE: GC § 57070. Amended by P.L.17-087:3 (Jan. 18, 1985).

§ 48112. Disposition of Excreta.

Untreated or improperly treated human excreta shall not be deposited into any river, creek, pond, reservoir, stream, well, or spring, or any collection of fresh water, on the surface of the ground, into or upon any public or private sidewalk, path, driveway, alley, street, highway, road, or beach, or any public place.

SOURCE: GC § 57071.

§ 48112.1. Ordering of Replacement, Repair, etc.: Procedure.

(a) Any toilet or sewage facilities, sewage disposal system, septic tank, soil absorption system, or privy which fails to comply with the provisions of this Chapter, or which has become dangerous to human life or health, shall be replaced, removed, repaired, altered, cleaned, or emptied by the owner of the premises, as may be ordered by the Administrator, so as to comply with the provisions of this Chapter. If the owner of such premises does not comply within fifteen (15) days after service of written notice of such order, upon the request of the Administrator work shall be done by the Department of Public Works, using appropriations of the Agency. The Director of Public Works shall determine a reasonable charge for such work and such amount shall be entered upon the real estate tax duplicate, shall be a lien upon such real estate from the date of entry, and shall be collected in the same manner as real estate taxes.

(b) Authority to Disconnect Water Service. If notice prior to disconnecting is not feasible due to the existence of an emergency, the Administrator shall notify the owner, the owner's authorized agent, or the occupant of the building structure or service citizen in writing as soon as practical thereafter. The Administrator shall notify the public water system as defined by 10 GCA, Chapter 53, § 53102, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SOURCE: GC § 57072. Amended by P.L.17-087:3 (Jan. 18, 1985). Amended and renumbered as (a) and (b) by P.L. 37-105:9 (July 18, 2024).

§ 48112.2. Hearings.

(a) Any person who receives an order from the Administrator, as authorized by this Chapter, and any person whose permit application is disapproved or denied by the Administrator, may within fifteen (15) days of the date of receipt of the order or disapproval, file a notice of intent to appeal with the Board, setting forth in the notice the basis for the appeal.

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(b) The Board shall, not more than sixty (60) days after filing of the notice of appeal, hold a public hearing consistent with the Administrative Adjudication Law. A decision shall be rendered by the Board within five (5) working days of such a hearing.

(c) The Board shall either affirm, modify or revoke any action or determination of the Administrator which is appealable, or issue an appropriate order or orders for the prevention, abatement or control of the sewage involved or for the taking of any other corrective action as may be appropriate to prevent, abate or control the sewage of pollutants.

(d) In the same manner as services provided in civil actions any person adversely affected by a decision of the Agency may have judicial review by filing a petition with the Superior Court of Guam in accordance with the Administrative Adjudication Law, and by simultaneously sending a copy of the filing by serving the Administrator. The petitioner shall reimburse the Agency for the expenses associated with the preparation of the record for judicial review.

SOURCE: Added by P.L. 37-105:10 (July 18, 2024).

§ 48113. Sewer Connection for Underprivileged.

The Chief Officer of the Guam Waterworks Authority shall connect or cause to be connected without charge, the island-wide sewer system to the residences of all persons for families certified by the Agency to be “underprivileged” within the guideline established by the Director of Public Health and Social Services.

SOURCE: GC § 57073. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Reference to “Public Utility Agency of Guam” was replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48114. Definitions.

As used in §§ 48114 through 48123 inclusive:

(a) “Agency” shall mean the Guam Waterworks Authority;

(b) “Fund” shall mean the Guam Waterworks Authority Wastewater Fund;

(c) “Homeowners” shall mean persons owning private single family residences in which they reside;

(d) “Adjacent homeowners” shall mean homeowners whose residences are adjacent to and abut a road, street or other way or easement on which a sewer is installed.

SOURCE: GC § 57074. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Reference to “Public Utility Agency of Guam” was replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48115. Installation of Connecting Lines to Public Sewers.

(a) The Guam Waterworks Authority is hereby authorized to install or cause to be installed connection lines to public sewers from the residences of adjacent homeowners and subject to the provisions of this Chapter to charge thereof on an installation basis.

(b) Any such adjacent homeowner who, pursuant to the 10 GCA § 48104 is required to connect toilet facilities to said forth in such notice a verified application to the Agency for installation of said sewer connection and for repayment of the cost thereof on an installment basis as provided herein.

SOURCE: GC § 57075. Amended by P.L.17-087:3 (Jan. 18, 1985).

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2024 NOTE: Designations added pursuant to authority granted by 1 GCA § 1606. Reference to “Public Utility Agency of Guam” was replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48116. Installation of Type 2 Facilities.

(a) The Guam Waterworks Authority is hereby authorized to install or cause to be installed for homeowners Type 2 toilet facilities and to charge therefor on an installment basis subject to the provisions of this Chapter.

(b) Any homeowner who, pursuant to the 10 GCA § 48104 is required to install Type 2 toilet facilities, may make application to the Agency for installation of said toilet facilities and for repayment of the cost thereof on an installment basis as provided herein.

SOURCE: GC § 57076. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Designations added pursuant to authority granted by 1 GCA § 1606. Reference to “Public Utility Agency of Guam” was replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48117. Notice to Homeowners.

(a) The Chief Officer of the Agency or his authorized representative shall inform, by written notice, all adjacent homeowners that said homeowner may make application for installation of connecting lines and payment of the cost thereof on an installment basis as provided in this Chapter. This notice shall be given to such homeowners within thirty (30) days from the date the public sewer first becomes available to them and shall contain a form for making application.

(b) Within ninety (90) days from the effective date of this Act the Guam Waterworks Authority shall give the notice provided herein to all such persons who presently own homes abutting a road, street or other way or easement in which a public sewer is currently located, and who have not yet connected their toilet facilities to the sewer.

(c) The Chief Officer of the Agency or his authorized representative shall also inform, by publication of a notice at least once each month for a period of six (6) months in a newspaper of general circulation, all homeowners that they may make application for installation and connection of Type 2 toilet facilities and payment of the cost thereof on an installment basis as provided in this Chapter.

SOURCE: GC § 57077. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Designations added pursuant to authority granted by 1 GCA § 1606. Reference to “Public Utility Agency of Guam” was replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48118. Application of Homeowners.

The adjacent homeowners desiring to have connecting sewer lines installed by the Guam Waterworks Authority and to pay therefor on the installment basis shall, within thirty (30) days from receipt of the notice specified in § 48117 file application for connection and installment payment with the Agency upon forms provided by the Agency.

SOURCE: GC § 57078. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Reference to “Public Utility Agency of Guam” was replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48119. Installment of Connecting Lines.

(a) The Agency shall install or cause to be installed connections from the residence of each such adjacent homeowner to the public sewer and shall commence such installations as soon as possible in order to comply with the time provisions of § 48104 of this Chapter. This work may be done by contractors on public bid pursuant to the provisions of § 10001.6 of the Government Code.

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(b) If an adjacent homeowner has made application in accordance with the provisions contained herein and within the time provided in § 48118, the time limitations contained in § 48104 of this Chapter shall be waived while connection lines are being installed by or under the supervision of the Agency.

SOURCE: GC § 57079. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Designations added pursuant to authority granted by 1 GCA § 1606.

§ 48120. Installation of Type 2 Toilet Facilities.

After the homeowner obtains a permit from the Guam Environmental Protection Agency, the Agency shall install or cause to be installed and connected Type 2 toilet facilities as soon as possible after execution of the installment contract provided for by § 48123 of this Chapter. This work may be done by contractors on public bid pursuant to the provisions of 5 GCA § 50108.

SOURCE: GC § 57080. Amended by P.L.17-087:3 (Jan. 18, 1985).

§ 48121. Fund.

(a) There is hereby established a fund to be known as the “Guam Waterworks Authority Wastewater Fund”, which fund shall be maintained separate and apart from any other funds of the government of Guam, and independent records shall be maintained in connection therewith.

(b) All monies received by the Agency from homeowners in payment of sewer connection line or Type 2 toilet facilities installation charges shall be deposited with the Treasurer of Guam and credited to the Fund and applied to the account of each homeowner making payment.

(c) All debts, liabilities, obligations, operating expenses and installation costs and expenses arising from the installation of connecting lines or Type 2 toilet facilities pursuant to the provisions of this Chapter are hereby authorized to be paid from said Fund by the Treasurer of Guam upon vouchers properly certified to by the Certifying Office of the Agency.

(d) The Chief Officer of the Agency shall quarterly render to *Maga'håga/Maga'låhi* a statement reflecting the financial condition of the Fund.

SOURCE: GC § 57081. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Reference to the “Governor” replaced with *I Maga'håga/Maga'låhi* pursuant to 5 GCA § 1510. Reference to “Public Utility Agency of Guam” replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48122. Repayment of Installments.

The cost of the installation of connection lines to the public sewer and of Type 2 toilet facilities shall be borne by each individual homeowners and the cost thereof shall be repaid to the Fund on an installment basis, in equal installments over a period not to exceed four (4) years from the date the sewer connection or the toilet facilities shall have been completed.

SOURCE: GC § 57082. Amended by P.L.17-087:3 (Jan. 18, 1985).

§ 48123. Installment Contract.

(a) The signature of the homeowner, and acceptance by the Guam Waterworks Authority of the application form provided for in § 48118 shall constitute a contract between the homeowner and the government of Guam. The contract shall provide for the monthly amount of installment payments to be made thereunder. Payments shall commence within sixty (60) days from the date of completion of the installation and connection of the connecting line or of the Type 2 toilet facilities.

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(b) Such contract shall provide for payment of interest to be at the rate of six percent (6%) per annum on the installment amount due and payable. Such contract shall further provide that the entire balance shall become immediately due and payable upon default in the payment of any installment of more than sixty (60) days. If during the duration of any installment contract single family residence is converted into income producing property or a multiple family dwelling, all unpaid installment shall become immediately due and payable. All unpaid installments shall constitute a lien upon the property for which the installation and connection was made. Upon sale of the property by the contracting homeowner, all unpaid installments shall immediately become due and payable, unless the buyer of the property shall, by written agreement with the Guam Waterworks Authority assume such installment contract.

SOURCE: GC § 57083. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Designations added pursuant to authority granted by 1 GCA § 1606. Reference to “Public Utility Agency of Guam” was replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48124. Powers.

The Guam Environmental Protection Agency shall have the power, duty and responsibility for the operation, administration and enforcement of this Chapter. Such power shall include the authority to make rules and regulations necessary to carry out the provisions contained herein, all in accordance with § 21207 of the Government Code of Guam. The Guam Waterworks Authority shall have the responsibility for operation and administration of carrying out §§ 48115 through 48123 of this Chapter, shall maintain all the necessary records, and shall have the authority to enforce collection of payments to be made by homeowners hereunder. The Guam Waterworks Authority shall obtain from the Attorney General approval of the general form of installment contract which is to be entered into by homeowners hereunder, and approval of the general form of the assumption agreement to be entered into hereunder by subsequent purchasers.

SOURCE: GC § 57084. Amended by P.L.17-087:3 (Jan. 18, 1985).

2024 NOTE: Reference to “Public Utility Agency of Guam” was replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996).

§ 48125. Permitting of Type 4 Facilities and Holding Tanks.

(a) Interim Permitting Authority.

(1) GEPA has the authority to grant construction and operating permits for Type 4 facilities and holding tanks prior to the issuance of regulations for such systems, pursuant to the requirements under this Section.

(2) This authority, through GEPA, shall expire upon the issuance of such regulations, and in no case no later than twelve (12) months after enactment of this Section.

(3) Interim Fees. Applications for construction permits under this Section shall be charged a fee of One Hundred Dollars (\$100.00), payable to The Fund. The interim fee for an operating permit shall be Forty Dollars (\$40.00), also payable to The Fund. The fees for construction permit applications and operating permits shall be established by GEPA after its due diligent inquiry into the administrative expenses necessary for the administration of permits.

(b) Approval of Type 4 Facilities and Holding Tanks.

(1) All Type 4 facilities must be listed as approved under NSF/ANSI Standard 245, Wastewater Treatment Systems - Nitrogen Reduction.

(2) All applications for a holding tank must include a five (5)-year economic cost analysis comparing the cost of constructing and pumping the holding tank to the cost of connecting to public sewer.

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(3) Holding Tanks. Construction of all holding tanks shall be subject to the requirements of Section 805 of the International Private Sewage Disposal Code, as adopted under 21 GCA, Chapter 67, § 67101.4.

(c) Operating Permits Required.

(1) Operation of Type 4 facilities shall require issuance of an operating permit at a frequency determined by the Administrator and pursuant to § 48125(a)(3) of this Chapter. The operating permit shall include conditions as required by regulation and shall require the owner of the building to submit a maintenance contract with a GEPA-approved contractor covering the oversight, maintenance and repairs of the Type 4 facility for the time period covered by the permit subject to regulations to be promulgated by GEPA pursuant to this Chapter.

(2) Operation of holding tanks shall require annual issuance of an operating permit by the Administrator. The operating permit shall include conditions as required by regulations promulgated by GEPA, and shall also require the owner of the building to submit a pumping and disposal contract with a GEPA-approved contractor to remove and dispose of all wastewater as needed.

(3) Failure to timely renew an operating permit for a Type 4 facility shall be a violation of this Chapter.

(d) Permit Fees. GEPA shall establish fees for permits, inspections, and related services by regulation.

SOURCE: GC § 57085, entitled “Expiration of Fund.” Amended by P.L.17-087:3 (Jan. 18, 1985). Repealed and reenacted by P.L. 37-105:11 (July 18, 2024).

§ 48126. Service Utilities.

(a) Connection of Service Utilities. No person shall make connections from a water or sewer system to any building or system that is regulated by this Chapter for which a permit is required until authorized in writing by the Administrator.

(b) Temporary Connection. The Administrator shall have the authority to authorize, in writing, the temporary connection of the building or system to the water or sewer system for the purpose of testing systems or for use under a temporary approval.

SOURCE: Added by P.L.17-087:4 (Jan. 18, 1985), entitled “Penalties.” Repealed and reenacted by P.L. 37-105:11 (July 18, 2024).

§ 48127. Violations and Penalties.

(a) Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or use any toilet facility, or cause same to be done, in violation of any of the provisions of this Chapter.

(b) Notice of Violation. The Administrator shall serve a notice of violation on

(1) any person, firm, or corporation responsible for the erection, installation, alteration, extension, repair, removal, or demolition of any toilet facility in violation of the provisions of this Chapter;

(2) any person, firm, or corporation in violation of a detailed statement or the approved construction documents thereunder; or

(3) any person, firm, or corporation in violation of a permit or certificate issued under the provisions of this Chapter.

The Administrator shall also issue an order directing the discontinuance of the illegal action or condition and the abatement of the violation by the person, firm, or corporation responsible.

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(c) **Prosecution of Violation.** For violations not cured or abated within the time prescribed by the Administrator in the notice of violation order, the Administrator may request the Office of the Attorney General of Guam to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful system in violation of the provisions of this Chapter or of the order or direction made pursuant thereto.

(d) **Administrative Penalties.** Any person who shall violate a provision of this Chapter or fail to comply with any of the requirements thereof or who shall erect, install, alter or repair any toilet facility in violation of the approved construction documents or directive of the Administrator, or of a permit or certificate issued under the provisions of this Chapter, shall be guilty of an administrative violation, punishable by a fine of not more than One Thousand Dollars (\$1,000.00), payable to the Sewage Disposal Assistance and the NGLA Study Fund. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(1) In determining the amount of any penalty assessed, the severity of penalties shall be commensurate to the severity of infractions. The Administrator shall take into account the nature, circumstances, extent and gravity of the violation or violations and with respect to the violator, ability to pay, good faith efforts to comply or an agreement to a compliance schedule, any prior history of such violations, the degree of culpability, economic benefit or savings if any resulting from the violation, and such other matters as justice may require. GEPA shall promulgate rules and regulations to further define the nature and severity of violations and punitive actions,

(e) **Criminal Penalties.** Any person who knowingly violates any provision of this Chapter, or any rule or regulation promulgated under this Chapter, or who refuses or neglects to comply with any lawful order issued by the Administrator in carrying out the provisions of this Chapter shall be guilty of a misdemeanor and/or be fined not more than Five Thousand Dollars (\$5,000) per day for each violation or noncompliance, payable to the Sewage Disposal Assistance and the NGLA Study Fund, and shall make restitution.

(1) In determining the amount of any penalty assessed, the severity of penalties shall be commensurate to the severity of infractions.

(f) **Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the Office of the Attorney General of Guam from instituting appropriate action to prevent unlawful construction, or to join in or prevent unlawful construction, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or use of any toilet facility on or about any premises.

(g) **Unsafe Systems.** Any toilet facility regulated by this Chapter that is unsafe or constitutes a health hazard, is in an unsanitary condition or is otherwise dangerous to human life is hereby declared unsafe. Any use of toilet facilities regulated by this Chapter constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

SOURCE: Added by P.L.37-105:12 (July 18, 2024).

§ 48128. Stop Work Order.

(a) **Authority.** Where the Administrator finds that any work regulated by this Code is being performed in a manner contrary to the provisions of this Chapter or in a dangerous or unsafe manner, the Administrator is authorized to issue a stop work order.

(b) **Service and Effect.** The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon service of the stop work

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order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(c) Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as specified in § 48127.

SOURCE: Added by P.L.37-105:13 (July 18, 2024).

§ 48129. Sewage Disposal Assistance and the NGLA Study Fund.

(a) There is established a non-lapsing fund, hereafter referred to as the “Sewage Disposal Assistance and the NGLA Study Fund” (Fund), which shall be maintained separate and apart from any other funds of the government of Guam, are not subject to the transfer authority of *I Maga’hågan Guåhan*, and shall be administered by the Administrator of the Guam Environmental Protection Agency. The Administrator shall submit to the Guam Environmental Protection Agency Board of Directors a quarterly report which shall include how such funds are being used in the implementation of this Chapter; and independent records and accounts shall be maintained in connection therewith. All fees, reimbursements, assessments, fines, and other funds collected or received pursuant to this Chapter shall be deposited in this Fund. The Administrator shall make every effort to apply for grants to provide financial assistance to increase access to compliant sewage disposal systems or sewer connections. Furthermore, the Administrator shall make every effort to apply for grants to fund a comprehensive study of the Northern Guam Lens Aquifer (NGLA) relative to evaluating nitrate levels in the NGLA, evaluating the levels of other contaminants as determined by GEPA, the impacts of such levels upon the aquifer, and for the purposes of revising minimum lot size for septic system density allowable within the Groundwater Protection Zone (GPZ) pursuant to 10 GCA, Chapter 47, § 47108.1. Monies in the Fund shall be used for the following purposes:

(1) The administration and implementation of this Chapter including, but not limited to, purchase of equipment, payment of personnel costs, public outreach, training, and contracts.

(2) The provision of grants for a sewage disposal system or sewer connection for eligible applicants.

(3) The provision of grants to fund a study of the NGLA relative to evaluating its nitrate levels, the levels of other contaminants as determined by GEPA, the impacts of such levels upon the aquifer, and for the purposes of revising minimum lot size for septic system density allowable within the GPZ pursuant to 10 GCA, Chapter 47, § 47108.1.

(b) All monies in the Sewage Disposal Assistance and the NGLA Study Fund are hereby appropriated, and shall continue to be deemed appropriated, to the Guam Environmental Protection Agency (GEPA) to be expended in accordance with this Chapter.

SOURCE: Added by P.L.37-105:14 (July 18, 2024) and designations added and modified pursuant to authority granted by 1 GCA § 1606.

§ 48130. Reporting of Nitrate Testing Results.

(a) All tests of drinking water sources (ground water and surface water) for nitrates shall be posted on the Guam Waterworks Authority (GWA) and the Guam Environmental Protection Agency (GEPA) website and shall be maintained for a period of not less than ten (10) years. The test shall include, but not be limited to, tests performed by any agency of the government of Guam including, but not limited to, GWA and GEPA and the Water Environmental Research Institute (WERI). The report posted shall include the date of test, the location of the water source (well or river) and the quantity of nitrates in the tests sample expressed in milligrams per liter (mg/L).

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(b) In the event that any test sample reveals nitrate levels that exceed five milligrams per liter (5 mg/L), GWA shall advise customers that are supplied water from the affected source with notices, included with their billings, of the dangers of excess nitrate ingestion and that nitrate levels may be reduced or eliminated by home filtration systems including, but not limited to, ion exchange units, reverse osmosis filters, or distillation units.

SOURCE: Added by P.L.37-105:15 (July 18, 2024).
