

**10 GCA HEALTH AND SAFETY  
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**CHAPTER 53  
GUAM SAFE DRINKING WATER ACT**

**NOTE:** This Chapter is taken from Chapter X of Title XII of the Government Code, added by P.L. 14-90.

**SOURCE:** Repealed and reenacted by P.L. 35-115:2 (Dec. 11, 2020).

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**§ 53101. Title.**

This Chapter shall be known as the *Guam Safe Drinking Water Act*.

**§ 53102. Definitions.**

As used in this Chapter:

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(a) *Act* means the Guam Safe Drinking Water Act.

(b) *Aquifer* means a formation, group of formations, or part of a formation that contains sufficient saturated permeable material capable of yielding significant quantities of usable potable water supply to wells or springs.

(c) *Backflow* means the flow of water or other liquids, mixtures, or substances into a public water supply from any source or sources other than its intended source. Back-siphonage resulting from negative pressure in the distribution system is one (1) type of backflow.

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

(e) *Bottled water company* means a business that produces drinking water in bulk or bottles for retail or wholesale to the public.

(f) *Certified operator* means an individual who has passed an examination that tests their knowledge, skills, ability, and judgment as a water operator for a particular classification level of water treatment facility or water distribution system and has been certified and issued a certificate by Guam EPA.

(g) *Community water system* or *CWS* means a public water system which serves at least fifteen (15) service connections used by year-round residents of the area served by the system or regularly serves at least twenty-five (25) year-round residents.

(h) *Consecutive system* is a public water system that receives some or all of its finished water from one (1) or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems.

(i) *Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.

(j) *Cross-connection* means any actual or physical connection or structural arrangement between a public

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water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas, or other substance not meeting the drinking water quality standards of these regulations. By-pass arrangements, jumper connections, removable sections, swivel or change over devices and other temporary or permanent devices through which “backflow” can or may occur are considered to be cross-connections. A submerged inlet from a public water system into a water storage tank that may also store water from untreated source, such as rainwater catchment, is another example of a cross-connection.

(k) *Disinfection* means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

(l) *Distribution system* or *distribution facilities* means any combination of pipes, tanks, tanker trucks, pumps, bottled water, etc. which delivers water from the source(s) and/or treatment facility(ies) to the consumer.

(m) *Drinking water quality standards* or *standards* means those primary or secondary drinking water regulations as promulgated by either Guam EPA or USEPA.

(n) *Endpoint devices* means plumbing fittings and fixtures intended to dispense water from the domestic water piping system for human ingestion. These devices include, but are not limited to, kitchen and bar faucets, lavatory faucets, water dispensers, drinking fountains, water coolers, glass fillers, residential refrigerator ice makers, supply stops, and endpoint control valves.

(o) *Federal Act* means the Safe Drinking Water Act, Pub. L. 93-523 (Dec. 16, 1974, as amended and codified at 42 U.S.C. § 300f to 300j).

(p) *Federal Agency* means any department, agency, or instrumentality of the United States.

(q) *Guam EPA* or *GEPA* means the Guam Environmental Protection Agency as established by 10 GCA

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(r) *Guam EPA Administrator* or *Administrator* means the Administrator of the Guam Environmental Protection Agency.

(s) *Human consumption* means drinking, bathing, showering, hand washing, teeth brushing, food preparation, dish-washing, and maintaining oral hygiene.

(t) *Maximum Contaminant Level* or *MCL* means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

(u) *National Primary Drinking Water Regulations* means primary drinking water regulations promulgated by the USEPA pursuant to the Federal Act.

(v) *National Secondary Drinking Water Regulations* means secondary drinking water regulations promulgated by the USEPA pursuant to the Federal Act.

(w) *Non-community water system* means a public water system that is not a community water system. A non-community water system is either a “transient non-community water system (TWS)” or a “non-transient non-community water system (NTNCWS).”

(x) *Non-transient non-community water system or NTNCWS* means a public water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year.

(y) *Person* means any individual, corporation, company, association, partnership, municipality, the government of Guam, or a federal agency (and includes officers, employees, and agents of any corporation, company, association, municipality, the government of Guam, or a federal agency).

(z) *Plumbing, fittings, or fixtures* means piping and endline devices intended to dispense water from a domestic water piping system for human ingestion such as domestic

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pipings, kitchen and bar faucets, lavatory faucets, water dispensers, drinking fountains, water coolers, glass fillers, residential refrigerator ice makers, supply stops, and endpoint control valves.

(aa) *Primary Drinking Water Regulation* means a regulation which:

- (1) applies to public water systems;
- (2) specifies contaminants which, in the judgment of the Guam Environmental Protection Agency, may have any adverse effect on the health of persons;
- (3) specifies for each contaminant either:
  - (A) a maximum contaminant level if, as determined by Guam EPA, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or
  - (B) if, as determined by Guam EPA, it is not economically or technologically feasible to ascertain the level of such contaminant, each treatment technique known to Guam EPA which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of § 53104 of this Chapter; and
- (4) contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including accepted methods for quality control and testing procedures to ensure compliance with such levels and to ensure proper operation and maintenance of the system, and requirements as to:
  - (A) the minimum quality of water which may be taken into the system; and
  - (B) siting for new facilities for public water systems.

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(bb) *Public Water System* or *PWS* means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) persons at least sixty (60) days out of the year. A public water system is either a “community water system” or a “non-community water system.”

(1) The term “Public Water System” includes:

(A) any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and

(B) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(2) Any irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public water system if the system or the residential or similar users of the system complies with the following:

(A) GEPA determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or

(B) GEPA determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

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(cc) *Rainwater catchment* means a structure for the collection of rainwater. A rainwater catchment may be a public water system or a part of a public water system if the water system meets the definition of public water system.

(dd) *Sanitary Survey* means an onsite review of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation, and maintenance for producing and distributing safe drinking water.

(ee) *Secondary Drinking Water Regulation* means a regulation which applies to public water systems and which specifies the maximum contaminant levels which, in the judgment of the Guam EPA, are requisite to protect the public welfare. Such regulations may apply to any contaminant in drinking water:

(1) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use; or

(2) which may otherwise adversely affect the public welfare.

Such regulations may vary according to geographic and other circumstances.

(ff) *Substantial alteration of an existing public water system* means any addition or replacement of two (2) inch or larger pipe(s) at least two hundred (200) feet or longer to be connected to an existing water piping system or, any improvement or increase in the capacity of an existing public water system.

(gg) *Supplier of water* means any person who owns or operates a public water system.

(hh) *Surface water* means all water which is open to the atmosphere and subject to surface runoff.

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(ii) *Tamper* means to introduce a contaminant into a public water system with the intention of harming persons or to otherwise interfere with the operation of a public water system with the intention of harming persons.

(jj) *Transient non-community water system* or *TWS* means a non-community water system that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.

(kk) *Treatment Technique* or *TT* means a required process intended to reduce the level of a contaminant in drinking water.

(ll) *Underground injection* means the subsurface emplacement of any material gaseous, liquid, or solid or any admixture thereof, which may add a contaminant to underground waters.

(mm) *USEPA* means United States Environmental Protection Agency.

(nn) *Wellhead protection area* means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield, or the area within a one thousand (1,000)-foot radius of any potable water supply well.

(oo) *Wholesale system* is a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems.

**§ 53103. Statement of Policy.**

It is hereby declared to be the public policy of Guam and the purpose of this Chapter to protect public water supplies from contamination and to require the provision of safe drinking water for public consumption in order to protect human health and safety to the greatest degree practicable.

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**§ 53104. Drinking Water Standards.**

(a) Guam EPA shall promulgate and enforce primary and secondary drinking water regulations to protect health using technology, treatment techniques, and other means which are generally available.

(b) Primary and secondary drinking water regulations promulgated pursuant to this Chapter shall be no less stringent than the National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations in effect at that time.

(c) Primary and secondary drinking water regulations promulgated pursuant to this Chapter shall apply to each public water system in Guam, including those owned and operated by the government of Guam or federal agencies, unless it is a system:

(1) which consists only of distribution and storage facilities and does not have any collection and treatment facilities;

(2) which obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

(3) which does not sell water to any person; and

(4) which is not a carrier which conveys passengers in interstate commerce.

(d) Guam EPA shall adopt and implement procedures for the enforcement of primary and secondary drinking water regulations, including monitoring, inspection, and recordkeeping procedures which are no less stringent than the Federal Act.

(e) Guam EPA shall promulgate and enforce regulations relating to cross-connection control and backflow prevention. The regulations shall establish minimum criteria that must be met by all public water systems for the purpose of cross connection control and backflow prevention, and shall allow for the direct implementation by public water systems of cross connection control and backflow prevention programs that meet

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the established criteria. Direct implementation of a cross connection control and backflow prevention program by a public water system shall not prevent Guam EPA from enforcing its regulations against a public water system or any person.

(f) Guam EPA shall promulgate regulations establishing an underground injection control program. Such program shall prohibit any underground injection which is not authorized by a permit issued by Guam EPA except that Guam EPA may authorize underground injection by regulation. Underground injection authorized by regulation shall not endanger drinking water sources. Any underground injection control program shall:

(1) set standards and prohibitions controlling any underground injection if such injection may result in the presence of any contaminant in underground water which supplies or may be expected to supply any public water system, and if the presence of such contaminant may result in such system not complying with any national primary drinking water regulations or may otherwise adversely affect the health of persons;

(2) require, in the case of a program which authorizes underground injection by permit, that the applicant for the permit satisfy the Guam EPA Administrator that the underground injection will meet the requirements of Subsection (f)(1) of this Section;

(3) conform to all requirements of the Federal Act and any applicable regulations promulgated thereunder; and

(4) include inspection, monitoring, recordkeeping, and reporting requirements.

(g) Following the date on which the USEPA determines that a primary drinking water regulation is to take effect, the Guam EPA may allow up to two (2) additional years to comply with a maximum contaminant level or treatment technique if the Guam EPA (in the case of an individual system) determines that additional time is necessary for capital improvements.

**§ 53105. Design and Construction Standards.**

Guam EPA shall promulgate regulations governing the

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design, construction, and substantial alteration of a public water system. Plans and specifications for the construction or substantial alteration of a public water system shall be submitted to the Guam EPA Administrator for approval in the form and manner specified in regulations adopted by the Guam EPA.

**§ 53106. Right of Entry and Inspection.**

(a) The Guam EPA Administrator or authorized representative may enter and inspect a public water system, and may take water samples, whether or not the Guam EPA Administrator has evidence that the system is in violation of applicable rules and regulations.

(b) The Guam EPA Administrator or authorized representative may enter and inspect locations where lead pipes, plumbing fittings, or fixtures are distributed or sold, offered for distribution or sale, or held for distribution or sale.

**§ 53107. Bottled Water Companies.**

The Guam EPA may promulgate separate regulations for monitoring and other requirements specifically for bottled water companies.

**§ 53108. Water Vending Machines.**

The Guam EPA may promulgate separate regulations for monitoring and other requirements specifically for water vending machines.

**§ 53109. Hauled Water.**

Guam EPA may promulgate regulations pertaining to requirements for the bulk transport and delivery of water for human consumption.

**§ 53110. Rainwater Catchment Systems.**

The Guam EPA may promulgate separate regulations for monitoring and other requirements specifically for rainwater catchment systems. For the purpose of this Chapter, a rainwater catchment system is classified as a surface water system unless it meets requirements as may be specified by Guam EPA by regulation to allow classification as a groundwater system.

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**§ 53111. Sanitary Surveys.**

(a) Guam EPA shall develop potable water sanitary survey criteria to evaluate the adequacy of the water system, its sources and operations, and the distribution of safe drinking water.

(b) Guam EPA may establish criteria for the certification of qualified third party surveyors to conduct sanitary surveys.

(c) Guam EPA may develop a Composite Correction Program (CCP) to optimize the particle removal from water treatment facilities to maximize public health protection from microbial contamination. A CCP shall include the following components:

(1) Comprehensive Performance Evaluation, which is the thorough review and analysis of a water treatment plant performance based on capabilities and associated administrative, operation and maintenance practices; and

(2) Comprehensive Technical Assistance, which is the performance improvement phase that is implemented if the Comprehensive Performance Evaluation results indicate improved performance potential.

**§ 53112. Prohibition on Use, Sale, and Import of Lead Pipes, Solder, and Flux.**

(a) In General.

(1) Prohibitions.

(A) In general. No person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux that is not lead-free in the installation or repair of:

(i) any public water system; or

(ii) any plumbing in a residential or nonresidential facility providing water for human consumption.

(B) Leaded joints. Subsection (a) of this Section shall not apply to leaded joints necessary for the repair of cast iron pipes.

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(2) Public Notice Requirements.

(A) In general. Each owner or operator of a public water system shall identify and provide notice in a manner and form prescribed by the Guam EPA Administrator to persons that may be affected by lead contamination of their drinking water where such contamination results from either or both of the following:

(i) the lead content in the construction materials of the public water distribution system;

(ii) corrosivity of the water supply sufficient to cause leaching of lead.

(B) Contents of Notice. Notice under this Paragraph shall provide a clear and readily understandable explanation of:

(i) the potential sources of lead in the drinking water;

(ii) potential adverse health effects;

(iii) reasonably available methods of mitigating known or potential lead content in drinking water;

(iv) any steps the system is taking to mitigate lead content in drinking water; and

(v) the necessity for seeking alternative water supplies, if any.

(3) Unlawful Acts. It shall be unlawful for:

(A) any person to introduce into commerce any pipe, or any pipe or plumbing fitting or fixture, that is not lead-free, except for a pipe that is used in manufacturing or industrial processing;

(B) any person engaged in the business of selling plumbing supplies, except manufacturers, to sell solder or flux that is not lead-free; or

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(C) any person to introduce into commerce any solder or flux that is not lead-free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

(4) Exemptions. The prohibitions in Subsections (a)(1) and (a)(3) of this Section shall not apply to:

(A) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(B) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are two (2) inches in diameter or larger.

(b) Authority to inspect, require testing, and mitigation.

(1) Guam EPA may promulgate regulations to implement the requirements of this Section.

(2) Guam EPA may promulgate regulations to certify person(s) to conduct sampling for the purpose of complying with this Section.

(3) Guam EPA may require any person to remove new or existing pipe, plumbing fitting or fixture, any solder, or any flux in order to comply with this Section.

(4) Guam EPA may confiscate, destroy, or order any person to destroy or return ship any products, supplies, or materials not in conformance with this Section. Any person so ordered shall be required to provide written certification and documentary proof that said order has been carried out.

**§ 53113. Establishment of Interim Action Levels.**

(a) Guam EPA, upon identifying a contaminant in a public water system that may present an unacceptable health risk to the public, may establish interim action levels for contaminants for

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which maximum contamination levels have not been established by the USEPA. Guam EPA may utilize federal drinking water guidelines as well as guidelines issued by other states as interim action levels when appropriate.

(b) Guam EPA shall establish an interim action level at a level below which risks have been determined by the Guam EPA to be acceptable. Risk assessment guidelines produced by the USEPA as well as other states may be utilized to determine health risks from a chemical contaminant. When establishing an interim action level Guam EPA shall also consider water treatment or alternate remedial actions.

(c) The adoption or modification of an interim action level must be approved by the Guam EPA Board in a public meeting, only after the completion of all of the following requirements:

(1) Guam EPA shall make available to the public for review and comment a draft risk assessment document describing the technical and scientific methods and parameters utilized to determine the interim action level. The draft risk assessment may reference risk assessments, drinking water health advisories, or similar scientific documentation issued by the USEPA or other states, when appropriate.

(2) Guam EPA shall hold a public hearing for the consideration, adoption, or modification to an interim action level. Notice of a public hearing shall indicate the time, date, and place for such hearing and shall be published at least once a week for two (2) consecutive weeks in a newspaper of general circulation, with the final notice being published at least seven (7) days prior to the date of the proposed hearing. The notice must state the availability and location of the draft risk assessment document.

3) Guam EPA shall consider all comments received relating to the risk assessment and revise an interim action level if necessary. All comments received by the Guam EPA shall be made available to the public for review.

(d) The Guam EPA, upon designating an interim action

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level for a contaminant, shall take such actions necessary to protect the health of the public including, but not limited to, requiring Public Water Systems to:

- (1) issue guidance as may be necessary to protect the health of persons (including travelers) who are or may be users of a contaminated water supply system; and
- (2) notify the public through the media of the establishment of an interim action level.

**§ 53114. Ground Water Disinfection.**

The Guam EPA Administrator may require disinfection as a treatment technique for ground water systems.

**§ 53115. Laboratory and Sampler Certification.**

(a) No laboratory shall perform the test and analyses required by the Guam EPA Administrator pursuant to this Chapter for any public water system without first obtaining a certificate issued by the Guam EPA Administrator that such laboratory is competent and equipped to conduct such tests.

(1) Certificates shall be renewed every three (3) years after the date of issuance.

(2) The Guam EPA Administrator may revoke any certificate upon determination that the laboratory is no longer competent or equipped to conduct such tests or analyses.

(b) The Guam EPA may promulgate regulations to certify laboratories through reciprocity on the basis of certification by other states.

(c) Certification of Samplers. The GEPA may promulgate regulations establishing minimum qualifications, training, certification requirements, fees, and rules of conduct for persons authorized by GEPA to collect water samples for the purpose of determining compliance with this Chapter.

(1) Sampler certificates shall be renewed annually after the date of issuance.

(2) The Guam EPA Administrator, in addition to any

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other remedy authorized under this Chapter, may revoke any sampler certification upon a finding that a sampler has falsified any sample or other information submitted to GEPA, has violated any rules of conduct established under Subsection (c) of this Section, or has demonstrated a lack of competence as determined by the Guam EPA Administrator.

(3) A sampler who has had their sampler certification revoked under Subsection (c)(2) of this Section may only reapply and be certified again by Guam EPA as follows:

(A) If the certification was revoked for reason of incompetence, a person must wait at least one (1) year after the effective date of revocation to reapply.

(B) If the certification was revoked for reason of violation of a rule of conduct established under Subsection (c) of this Section, a person must wait at least five (5) years after the effective date of revocation to reapply.

(C) If the certification was revoked for reason of submittal of a falsified sample or other falsified information, a person shall not be eligible to reapply for a sampler certification.

(D) A person who has had their sampler certification revoked more than once for any reason shall not be eligible to reapply for a sampler certification.

**§ 53116. Notification Requirements.**

Each owner or operator of a public water system must give notice to the Guam EPA Administrator and any persons served by the water system in a form and manner prescribed by regulation by Guam EPA for:

(a) all violations of any applicable standard, treatment technique, or testing procedure requirement of the primary drinking water regulations;

(b) all violations of any monitoring required by regulations adopted by the Guam EPA;

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(c) emergency disinfection information, for natural disasters and other circumstances as determined by Guam EPA; or

(d) other situations, as described in regulations promulgated under this Chapter.

**§ 53117. Consumer Confidence Reports.**

Every community water system shall provide consumer confidence reports in a form and manner as prescribed in regulations by Guam EPA.

**§ 53118. Prohibited Acts.**

The following acts are prohibited:

(a) failure by a supplier of water to comply with the requirements of § 53116, or dissemination by any supplier of water of false or misleading information with respect to notices required pursuant to § 53116 or with respect to remedial actions undertaken to achieve compliance with primary and secondary drinking water regulations;

(b) failure by a supplier of water to comply with rules and regulations adopted pursuant to this Chapter;

(c) failure by any person to comply with any order issued pursuant to this Chapter;

(d) failure by a supplier of water to allow any duly authorized representative of Guam EPA to conduct inspections pursuant to this Chapter;

(e) submission by any person of any false statement or representation in any application, record, report, plan, or other document filed, or required to be filed by this Chapter or rules and regulations adopted pursuant this Chapter;

(f) failure by a supplier of water to comply with the requirements of a permit issued under this Chapter;

(g) failure by any person to comply with the requirements or conditions of a sampler or laboratory certification issued under this Chapter;

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- (h) tampering, attempting to tamper, or making a threat to tamper with a public water system; and
- (i) any unauthorized access to a public water system.

**§ 53119. Security of Water Systems.**

(a) Guam EPA may promulgate regulations for the operation of public water systems, including, but not limited to, the prevention of tampering and ensuring the safety of water provided to users of public water systems.

(b) Guam EPA may promulgate regulations requiring public water systems to develop, revise, and implement emergency response plans.

**§ 53120. Remedies.**

The Administrator may enforce this Chapter in either administrative or judicial proceedings.

(a) Administrative. If the Guam EPA Administrator determines that any person is violating any provision of this Chapter, or any rule or regulation promulgated under this Chapter, the Guam EPA Administrator may have that person served with a Notice of Violation and an Order. The notice shall specify the alleged violation. The order may require that the alleged violator do any or all of the following: cease and desist from the violation; pay an administrative penalty not to exceed Thirty-two Thousand Five Hundred Dollars (\$32,500) per day for each violation; or appear before the Administrator at a time and place specified in the order and answer to the charges complained of. The order shall become final fifteen (15) days after service unless within those fifteen (15) days the alleged violator requests in writing a hearing before the Board. Upon such request, the Board shall specify a time and place for the alleged violator to appear.

(1) When the Administrator issues an order for immediate action to protect the public health from an imminent and substantial danger, the Agency shall provide an opportunity for a hearing within twenty-four (24) hours after service of the order.

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(2) After a hearing pursuant to this Subsection before the Board, the Board may affirm, modify, or rescind the Administrator's order as appropriate.

(3) Any person adversely affected by a decision of the Guam EPA Board may seek judicial review by filing a petition with the Superior Court of Guam in accordance with the Administrative Adjudication Law, and by simultaneously serving the Guam EPA Administrator with a copy of the petition. The petitioner shall reimburse Guam EPA for the expenses associated with the preparation of the record for judicial review.

(4) The Administrator may institute a civil action in any court of appropriate jurisdiction for the enforcement of any order issued pursuant to this Subsection.

(b) Civil.

(1) The Administrator may institute a civil action in the Superior Court of Guam for injunctive relief to prevent violation of any order or regulation issued pursuant to this Chapter in addition to any other remedy provided for under this Section.

(2) Any person who 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, in addition to clean-up costs and other damages, forfeit and pay a civil penalty of not more than Thirty-two Thousand Five Hundred Dollars (\$32,500) per day for each violation or noncompliance.

(c) Criminal. 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, upon conviction, be imprisoned for a term of not more than one

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(1) year, and/or be fined not more than Thirty-two Thousand Five Hundred Dollars (\$32,500) per day for each violation or noncompliance, and shall make restitution.

(d) Nothing in this Chapter shall prevent the agency from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

**§ 53121. Plan for Emergency Provision of Water.**

Guam EPA shall develop a plan for the provision of safe drinking water under emergency circumstances. When the Guam EPA Administrator determines that emergency circumstances exist in Guam with respect to a need for safe drinking water, necessary action may be taken with the concurrence of the Governor of Guam to implement the plan for safe drinking water.

**§ 53122. Imminent Hazards.**

Guam EPA may, upon learning that a contaminant is present in or is likely to enter a public water system and may present a potential imminent and substantial danger to the public, take actions necessary to protect the health of the public. The actions which Guam EPA may take include, but are not limited to:

(a) issuing such orders as may be necessary to protect the health of persons who are or may be users of such systems (including travelers); and

(b) requesting that the Attorney General of Guam commence a civil or criminal action for appropriate relief, including a restraining order or permanent or temporary injunction.

**§ 53123. Administration.**

Guam EPA is herein authorized to:

(a) perform any and all acts necessary to carry out the purposes and requirements of this Chapter;

(b) administer and enforce the provisions of this Chapter and all rules, regulations and orders promulgated thereunder;

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(c) enter into agreements, contracts, or cooperative arrangements with any person for the purpose of carrying out this Chapter;

(d) receive financial and technical assistance from the federal government and other public or private agencies to carry out the provisions of this Chapter;

(e) participate in related programs of any public or private agencies or organizations;

(f) establish adequate fiscal controls and accounting procedures to ensure proper disbursement of and an accounting for funds appropriated or received for the purpose of carrying out this Chapter;

(g) delegate those responsibilities and duties as appropriate for the purpose of administering the requirements of this Chapter;

(h) establish and collect fees for permits, plan reviews, sanitary surveys, inspections, sampling, sampler certification, laboratory certification and analyses as necessary for the purpose of carrying out this Chapter;

(i) prescribe such regulations as necessary to carry out functions under this Chapter;

(j) make such investigations and inspections as may be necessary to ensure compliance with this Chapter; and

(k) encourage voluntary cooperation by persons and affected groups to achieve the purposes of this Chapter.

All authority given by this Chapter shall remain with the Guam Environmental Protection Agency.

**§ 53124. Safe Drinking Water Fund.**

(a) There is established a non-lapsing, revolving fund to be known as the Safe Drinking Water Fund (Fund), which shall be maintained separate and apart from other funds of the government of Guam, shall be kept in a separate bank account, and shall not be subject to *I Maga'håga's* (the Governor's) transfer authority.

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(b) The Fund shall be administered by the Administrator, and independent records and accounts shall be maintained in connection with the Fund. All fees, fines, penalties, and other funds collected or received pursuant to this Chapter shall be deposited in the Fund, and used only for the costs of administration and implementation of this Chapter; for providing staff and resources to assist PWS owners and operators with compliance assistance, plan review, sanitary surveys, and inspections for compliance with this Chapter; implementing and enforcing the provisions of this Chapter, including legal support; preparing guidance and rules; administering the Fund; database and administration; sample collection and analysis; public education and outreach; training and capacity development for program staff and management; and any other duties needed to administer this Chapter.

(c) All monies in the Safe Drinking Water Fund are hereby appropriated to Guam EPA to be expended in accordance with this Chapter.

**2021 NOTE:** Subsection designations added pursuant to authority granted by 1 GCA § 1606

**§ 53125. Severability.**

The provisions of this Chapter are severable. If any provision or application of this Chapter is held invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application.

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