



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 2001-13

**RELATIVE TO DECLARING A CONTINUING STATE
OF EMERGENCY RELATIVE TO THE GUAM WATER
AND WASTEWATER SYSTEMS.**

WHEREAS, for the past several years, there have been continuing and more frequent failures in the water and wastewater systems on Guam, with frequent and major line breakages, pump failures, insufficient delivery of water to customers and insufficient wastewater removal; and

WHEREAS, these failures are due to the age of the system that is in place, which is more than 50 years old and consists of old, antiquated military lines, some of which are not mapped for their location and cannot be located until they leak; combined with earthquake damage and other failure of materials, and combined also with the continuing shortage of resources to expand, update, and essentially replace much of the system; and

WHEREAS; the water and wastewater systems were put into place when Guam was a sleepy island, before the rapid growth of the 1980's and the phenomenal growth of our visitor industry; the systems were never designed for handling the unanticipated 1.5 Million visitors per year that are now coming to Guam, nor was it designed for our modern way of life; and

WHEREAS, the failures of our system have now led to sewage running in our streets and a continuous contamination of the groundwater, which has now seeped into the drinking water as well as contaminated water on our beaches; and

WHEREAS, the Guam Environmental Protection Agency has requested that a state of emergency be declared, specifically to address the potential health and environmental dangers associated with fecal contamination of groundwater at Guam Waterworks Authority production wells A-5, A-6, A-29 and A-30, located at Afame, Sinajana, which contamination is suspected of originating from uncontrolled discharge of raw sewage at Chaot Sewage Pump Station; and

WHEREAS, the Guam Environmental Protection Agency points out that a second failing pump station is located at the Fujita pump Station, and this pump station has been recently renovated; this affects our tourist areas directly and points to a much larger systemic and operational performance failure of the Guam Waterworks Authority sewage collection systems, pump stations, and wastewater treatment plants; and

WHEREAS; the Guam Environmental Protection Agency, as a regulatory agency, has cited the violations, however, citations and levies of fines and other punishments cannot address the long term needs of the water and wastewater systems without a more permanent and adequate solution; and

WHEREAS, the Guam Hotel and Restaurant Association has written to the Guam Waterworks Authority expressing that they are of the opinion that "we must



focus our energies on finding an immediate resolution to this problem by working with the Guam Waterworks Authority, the Guam Legislature, and the Executive Branch. We recognize that this is not simply a Tumon Bay problem, but an island-wide problem.”; and

WHEREAS, due to the concern of the Guam Hotel and Restaurant Association, that Association is initiating action to perform a site assessment of affected facilities, including Guam Shipyard, Inc., to prepare a position for solution; and

WHEREAS; Guam’s economy is driven by tourism, and many millions of dollars have been invested in developing and maintaining our visitor industry, and these dollars, as well as the island’s economy as a whole, can be lost overnight should this water and wastewater situation continue; and

WHEREAS; as recently as the last budget, the Legislature struck out an appropriation for emergency equipment designated for the Guam Fire Department, and, prior to the enactment date of this budget, the Executive Branch transferred \$400,000 into the Guam Fire Department for this emergency equipment; and

WHEREAS; the budget process does not address crises which are outside the everyday simple matters addressed by departments and agencies, such as was recently experienced by a major fire at the Dededo Transfer Station; and it also does not address the continuing and worsening crisis in our water and wastewater systems; and

WHEREAS; the continuing crisis in our water and wastewater systems needs to be addressed in a type of public-private partnership, as was successfully done at the Guam Power Authority, and legislation to authorize this partnership was transmitted to both the 25th Guam Legislature and the 26th Guam Legislature; this legislation, which is designated as Bill No. 10 in the current Legislature, needs to be passed as soon as possible; and

WHEREAS; daily power outages were affecting our people and our economy, by blackening homes and hotels in the early 1990’s, and, just as we did with the Guam Power Authority, where \$200 Million Dollars and an additional 176 megawatts of power was provided in order to make the Guam Power Authority properly operational in a modern society, we need to do the same with regard to our water and wastewater systems before additional major disruption to our people and our economy occurs; and

WHEREAS, the yearly operational budget of the government of Guam does not provide for the type of solution that is needed; specifically, it does not provide the resources and authority to proceed with a public-private partnership, which are outside the normal operational appropriations process of the government; the strategic initiative plan for the Guam Waterworks Authority needs to be addressed immediately; and

WHEREAS, because of Guam’s unique situation, the United States Congress included provisions in the Organic Act of Guam authorizing the Governor to ensure the provision of health care to the population of our island, and the Organic Act states on this subject:

“Subject to the laws of Guam, the Governor shall establish, maintain, and operate public health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease”; and



WHEREAS; the authority to respond to health concerns of the public, of which the water and wastewater systems are major components, is delegated to the Governor under the Organic Act of Guam;


NOW, THEREFORE, I, CARL T.C. GUTIERREZ, I Maga'Lahen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1) **Declaration of continuing state of emergency.** A continuing state of emergency exists in the dilapidated state of our water and wastewater systems, which are suffering from age and earthquake damage as well as failure of materials, inability to locate underground pipes and other failures as set out above in this Executive Order, and this state of emergency is declared in order to provide goods and services that are necessary for the health and safety of the public. Additionally, Guam's economy is heavily dependent on the visitor industry, which is now being directly impacted by failures in the water and wastewater systems, along with the health and safety of our people in the drinking water.

2) **Emergency procurement and emergency expenses.** Since transfer of \$250,000 of outstanding appropriations is no longer authorized by local law, because §22402 of Division 2 of Title 5 of the Guam Code Annotated was repealed in Public Law No. 26-01, and the Legislature has indicated publicly and by calling a recent session that the Legislature will provide adequate appropriations and resources for all emergencies, the Legislature will need to provide for: the passage of enabling legislation to authorize the Guam Waterworks Authority to enter a public-private partnership to revamp our water and wastewater systems, as provided in Bill No. 10 transmitted by the Executive Branch to the current Legislature; this legislation would allow the infusion of approximately \$200- to \$250 Million into the Guam water and wastewater systems by private investors, as was done for the Guam Power Authority and which can also be done for the Guam Waterworks Authority.

Additionally, the Legislature will need to pass appropriations in a form which can be readily releasable in times of emergency to address emergency needs of the Guam Waterworks Authority.

SIGNED AND PROMULGATED at Hagåtña, Guam this 14th day of March, 2001.



CARL T. C. GUTIERREZ
I Maga'Lahen Guåhan
Governor of Guam