



EXECUTIVE ORDER NO. 2006- 13

RELATIVE TO DECLARING A STATE OF EMERGENCY TO COMPLY WITH THE CONSENT DECREE ISSUED IN DISTRICT COURT OF GUAM CIVIL CASE NO. 02-00022, UNITED STATES OF AMERICA V. GOVERNMENT OF GUAM

WHEREAS, the Organic Act of Guam provides that *I Maga'låhen Guåhan*, Governor of Guam, is tasked with the responsibility of overseeing the health and safety of the people of Guam; and

WHEREAS, the Ordot dump poses a continuing threat to public and environmental health, and must be closed pursuant to a Consent Decree entered into by the Government of Guam, the United States Environmental Protection Agency, and the United States Department of Justice (U.S. District Court Territory of Guam Civil Case No. 02-00022); and

WHEREAS, the Government of Guam remains committed to the requirements of the Consent Decree, which requires the design, construction, and operation of a new, sanitary municipal solid waste landfill at Layon, Inarajan, as well as the Government's best efforts to finance the closure and post-closure care of the Ordot Dump; and

WHEREAS, the Administration is committed to providing the resources available and necessary to ensure that the Government of Guam completes the mandates of: *Closure of Ordot Dump and Cessation of Discharge of Pollutants from Ordot Dump into Waters of the United States; Construction and Operation of New Municipal Solid Waste Landfill ("MSWLF"); Financing Closure of Ordot Dump and Construction and Operation of New Municipal Solid Waste Landfill; and the Supplemental Environment Project*, imposed by the Consent Decree in *United States v. Government of Guam* and prevent a threat to public health, the environment and the potential of significant penalty fines imposed on the Government of Guam; and

NOW, THEREFORE, I, FELIX P. CAMACHO, I Maga' Låhen 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 State of Emergency. A state of emergency is hereby declared in order to assist the Government of Guam to comply with the mandates of the Consent Decree issued in the *United States of America v. Government of Guam*, and prevent a threat to public health, the environment and the continued imposition of significant penalty fines.

2. Emergency Procurement and Emergency Expenses. Pursuant to 5 G.C.A. §5215, authorizing emergency procurement upon executive order, and pursuant to 5 G.C.A. §22402, authorizing the Governor to utilize no more than Two Hundred Fifty Thousand Dollars (\$250,000.00) from the General Fund appropriations for the Executive Branch for expenses resulting from civil defense, public safety or health care emergencies, the Director of Bureau of Budget and Management Research is authorized to transfer to the Department of Public Works, Consent Decree Account an amount not to exceed Two Hundred Fifty Dollars (\$250,000.00) from outstanding appropriations within the General Fund for immediate use by the Ordot Consent Decree Compliance Team for costs to comply with the mandates of the Consent Decree issued in the *United States v. Government of Guam*.



Priority projects under this declaration include, but are not limited to:

- a. Ordot Wetland Mitigation Plan, which shall undergo an expedited government review;
- b. Compliance requirements for the Ordot Dump Continual Use Permit;
- c. Updates of the Layon appraisals for land acquisition; and
- d. Technical advisor for Consent Decree implementation.

3. Overtime. The applicability of ineligibility for the accrual of overtime by exempt employees is hereby waived for government of Guam employees working on Consent Decree matters for the duration of this 30-day emergency, provided that the co-chairs of the Ordot Consent Decree Compliance Team pre-approve such overtime prior to actual accrual. Overtime expenses shall be paid by the Consent Decree accounts with appropriate documentation and approval by the co-chairs.

4. Documentation of Expenses. The Ordot Consent Decree Compliance Team is hereby instructed to keep appropriate documentation on all emergency expenses for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam.

5. Purpose of Emergency Procurement and Expenditure of Funds. Emergency procurement may be used for procurement of any services relative to complying with the mandates of the Consent Decree issued in the United States of America v. Government of Guam and continuing for Thirty Days(30) days after the date of this Executive Order as provided in § 5215 of Title 5, Guam Code Annotated.

SIGNED AND PROMULGATED at Hagåtña, Guam this 17 day of May, 2006.

A handwritten signature in cursive script, appearing to read "Felix P. Camacho".

FELIX P. CAMACHO
I Maga' Låhen Guåhan
Governor of Guam