



OFFICE OF THE GOVERNOR
HAGÁTNA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 2009- 13

**RELATIVE TO AMENDING EXECUTIVE ORDER NO. 2005-35
ADOPTING THE GUAM STORMWATER MANAGEMENT CRITERIA
FOR THE DEPARTMENT OF PUBLIC WORKS AND OTHER
GOVERNMENT OF GUAM PROJECTS**

WHEREAS, Executive Order No. 2005-35 was promulgated on October 25, 2005, for the purpose of adopting in the interim the *CNMI and Guam Stormwater Management Criteria* for all Government of Guam projects, including new roads and road repairs; and

WHEREAS, Executive Order No. 2005-35 further authorized the Department of Public Works (DPW) to use the new criteria in all designs for stormwater management systems; and

WHEREAS, pending formal legal adoption, the new criteria did not apply in the interim to private development, which was permitted to continue to follow the standards set forth in the *Guam Storm Drainage Manual* originally adopted in 1980; and

WHEREAS, under the Guam Transportation Plan for 2030, the Department of Public Works (DPW) is charged with overseeing critical repairs and reconstruction of Guam's entire roadway system, including its bridges and waterways; and

WHEREAS, as part of the 2030 Guam Transportation Plan, the DPW is working on a Stormwater Drainage Manual and a Stormwater Master Plan that will expand upon the criteria that is set forth in the *CNMI and Guam Stormwater Management Criteria*. Furthermore, it is planned that the DPW Stormwater Drainage Manual will itself be a new chapter in the *CNMI and Guam Stormwater Management Criteria*; and

WHEREAS, the *CNMI and Guam Stormwater Management Criteria* and its accompanying manual have not yet been formally adjudicated and adopted; and

WHEREAS, in order to avoid needless duplicity and expense, it is reasonable, prudent, and economically efficient under the circumstances to stay the implementation of the *CNMI and Guam Stormwater Management Criteria* pending the completion and adoption of the DPW Stormwater Manual and Stormwater Master Plan, thus resulting in a single coordinated stormwater management plan whereby the DPW Stormwater Manual can be incorporated as a chapter into the *CNMI and Guam Stormwater Management Criteria*; and

NOW, THEREFORE, I, FELIX P. CAMACHO, Governor of Guam, pursuant to the authority vested in me by the Organic Act of Guam, do hereby declare that:

1. The adoption and implementation of the *CNMI and Guam Stormwater Management Criteria* is hereby STAYED for a period of no more than two (2) years from the date that this Executive Order becomes effective; *however*, if the DPW Stormwater Manual and Stormwater Master Plan are properly adjudicated and adopted before the end of the stay period, then the DPW Stormwater Manual and Stormwater Master Plan shall prevail, and the *CNMI and Guam Stormwater Management Criteria* shall not be binding unless and until such time as it is properly adjudicated with the DPW Stormwater Manual incorporated in as a chapter;



2. Pending the proper adjudication, adoption, and implementation of the *CNMI and Guam Stormwater Management Criteria* or the DPW Stormwater Master Plan and Manual, the *1980 Guam Storm Drainage Manual* shall continue to apply and be effective;

3. The DPW shall determine the priority of Government of Guam projects requiring stormwater mitigation and shall construct those projects as funding becomes available; and

4. All persons, entities, developers, and Government of Guam agencies, including autonomous agencies, engaged in any subdivision or development work shall comply with all statutes, rules, regulations, and policies of the DPW and the Guam Environmental Protection Agency (GEPA), including the bearing of any costs or fees associated therewith.

SIGNED AND PROMULGATED at Hagåtña, Guam this 15th day of **September**, 2009.

A handwritten signature in black ink, appearing to read "F. Camacho".

FELIX P. CAMACHO
I Maga' lähen Guahan
Governor of Guam

COUNTERSIGNED:

A handwritten signature in black ink, appearing to read "M. Cruz".

MICHAEL W. CRUZ, M.D.
I Segundu Maga' lähen Guahan
Lieutenant Governor of Guam

