

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
360-38 (COR)	Frank F. Blas, Jr.	AN ACT TO <i>ADD</i> A NEW §§ 66215, 66216, AND 66217 TO ARTICLE 2, CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF THIRD-PARTY ASSISTANCE IN PERMIT APPLICATIONS AND TO CITE THIS ACT AS THE "PERMIT APPLICATIONS REVIEW CONDITIONAL APPROVAL ACT OF 2026."	9/10/26 1:51 p.m. ^9/21/26 2:47 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 360-38 (COR)

Introduced by:

Frank F. Blas, Jr. 

AN ACT TO *ADD* A NEW §§ 66215, 66216, AND 66217 TO ARTICLE 2, CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF THIRD-PARTY ASSISTANCE IN PERMIT APPLICATIONS AND TO CITE THIS ACT AS THE “PERMIT APPLICATIONS REVIEW CONDITIONAL APPROVAL ACT OF 2026.”

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act shall be known as the “Guam EPA Third-Party Review and Conditional Approval Act of 2026.”

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that significant delays continue to exist in the review and approval process for Clearing, Grading, Grubbing, and Stockpile (CGGS) permit applications administered by the Guam Environmental Protection Agency (Guam EPA). Depending on the nature and complexity of a project, permit review timelines may extend from several weeks to several years, resulting in increased project costs, delayed economic activity, and administrative burdens on applicants and the government alike.

I Liheslaturan Guåhan further finds that the use of qualified third-party technical reviewers can improve efficiency in the permit review process while

1 maintaining compliance with applicable environmental laws, regulations, and
2 standards.

3 It is therefore the intent of this Act to authorize the use of qualified third-party
4 reviewers to assist Guam EPA in the technical review of CGGS permit applications;
5 establish clear timelines for permit review and agency action; provide applicants
6 with greater predictability and transparency in the permitting process; and preserve
7 Guam EPA's ultimate regulatory and enforcement authority over all permits issued
8 pursuant to this Chapter.

9 **Section 3. A new § 66215 is *added* to Article 2, Chapter 66, Title 21, Guam**
10 **Code Annotated to read:**

11 **“§ 66215. Authorization of Third-Party Technical Review for**
12 **CGGS Permits.**

13 (a) Applicants for CGGS permits may utilize qualified third-
14 party approved by Guam EPA to assist in the technical review of permit
15 applications.

16 (b) Third-party reviewers may evaluate and provide technical
17 recommendations regarding:

18 (1) application completeness;

19 (2) compliance with applicable laws, regulations, and
20 technical standards;

21 (3) adequacy of erosion and sediment control measures;

22 (4) stormwater management plans and best management
23 practices; and

24 (5) other technical matters deemed necessary by Guam
25 EPA.

26 (c) Third-party reviewers shall serve in an advisory capacity
27 only.

1 (d) The cost of third-party review shall be borne by the applicant.

2 (e) Guam EPA shall maintain and publish a list of approved
3 third-party reviewers authorized to perform reviews pursuant to this
4 Act.

5 (f) Guam EPA may promulgate rules and regulations necessary
6 to implement and administer the provisions of this Act.

7 **Section 4. A new § 66216 is *added* to Article 2, Chapter 66, Title 21, Guam**
8 **Code Annotated to read:**

9 **“§ 66216. Qualifications and Standards for Third-Party Reviewers.**

10 (a) A third-party reviewer authorized under this Act shall meet
11 the following minimum qualifications.

12 (1) Professional Licensure or Certification. Shall possess
13 at least one of the following qualifications:

14 (A) Professional Engineer (PE) licensed in civil or
15 engineering; or

16 (B) Registered Landscape Architect (RLA); or

17 (C) Registered Architect (RA) with demonstrated
18 experience in stormwater management or erosion and
19 sediment control; or

20 (D) One or more of the following, or an equivalent
21 credential recognized by Guam EPA;

22 (i) Certified Professional in Erosion and
23 Sediment Control (CPESC);

24 (ii) Certified Professional in Storm Water
25 Quality (CPSWQ);

26 (iii) Certified Erosion, Sediment, and Storm
27 Water Inspector (CESSWI); or

1 (iv) Certified Inspector of Sediment and
2 Erosion Control (CISEC).

3 (b) Experience.

4 (1) A minimum of three (3) years of professional
5 experience in environmental permitting, construction
6 management, civil engineering, stormwater compliance, erosion
7 and sediment control, or related technical fields.

8 (c) Regulatory Knowledge.

9 (1) Demonstrated familiarity with:

10 (A) Guam EPA CGGS permit requirements;

11 (B) Erosion and sediment control standards;

12 (C) Applicable federal stormwater regulations,
13 including National Pollutant Discharge Elimination
14 System (NPDES) requirements; and

15 (D) Applicable local and federal environmental
16 laws and regulations.

17 (d) A third-party reviewer may be compensated by the applicant
18 but shall not:

19 (1) serve as the project owner, contractor, or design
20 professional for the project under review; or

21 (2) possess any financial or contractual interest that would
22 create an actual conflict of interest in the review process.

23 (e) Guam EPA may suspend or revoke the authorization of any
24 third-party reviewer for:

25 (1) fraud or misrepresentation;

26 (2) negligence or repeated deficient reviews;

27 (3) failure to disclose conflicts of interest or

1 (4) violation of applicable laws, regulations, or
2 professional standards.

3 **Section 5. A new § 66217 is *added* to Article 2, Chapter 66, Title 21, Guam**
4 **Code Annotated to read:**

5 **“§ 66217. Permit Review Timelines and Conditional Approval**
6 **Procedures.**

7 (a) A CGGS permit application certified by an approved third-
8 party reviewer shall be submitted to Guam EPA for review and final
9 agency action.

10 (b) Guam EPA shall have fifteen (15) calendar days from receipt
11 of the application to determine whether the application is complete.

12 (c) If Guam EPA determines that an application is incomplete,
13 the Agency shall provide written notice to the applicant identifying the
14 deficiencies or additional information required.

15 (d) If Guam EPA does not provide written notice of
16 incompleteness within fifteen (15) calendar days, the application shall
17 be deemed complete for purposes of review.

18 (e) Guam EPA shall issue a final decision within sixty (60)
19 calendar days after an application is deemed complete. The agency
20 may:

21 (1) approve the permit;

22 (2) approve the permit with conditions;

23 (3) deny the permit and provide a written explanation for
24 the denial; or

25 (4) issue a conditional approval pursuant to subsection (f).

26 (f) If Guam EPA does not issue a final decision within the sixty
27 (60) calendar day review period, the application shall be conditionally

1 approved, provided that:

2 (1) the application does not involve wetlands, hazardous
3 materials, environmentally sensitive areas, or other categories
4 designated by Guam EPA through regulation;

5 (2) the applicant complies with all interim erosion,
6 sediment, and stormwater control requirements imposed by
7 Guam EPA; and

8 (3) the applicant remains subject to all applicable local and
9 federal laws and regulation.

10 (g) Conditional approval shall authorize the applicant to proceed
11 only with activities specifically authorized under the conditional
12 approval and shall not exempt the applicant from compliance with any
13 applicable law, permit condition, or regulatory requirement.

14 (h) In the event Guam EPA issues written comments, conditions,
15 or required corrections following issuance of a conditional approval,
16 the permittee shall have fourteen (14) calendar days from receipt of
17 such notice to address and resolve the identified matters. During this
18 fourteen (14) day corrective period, the no stop-work order shall be
19 required solely on the basis of the outstanding comments, provided that
20 such work remains in compliance with all other applicable laws, permit
21 conditions, and interim protective measures. Failure to adequately
22 address the identified comments or corrections within the fourteen (14)
23 day period may result in the issuance of a stop-work order by Guam
24 EPA, in whole or in part, until such deficiencies are resolved to the
25 satisfaction of the agency.

26 (i) Guam EPA retains full authority to:

27 (1) inspect permitted activities;

1 (2) require corrective measures;

2 (3) suspend, modify, or revoke a conditional approval
3 upon discovery of non-compliance, material deficiencies, or
4 environmental risks; and

5 (4) pursue enforcement actions authorized by law.

6 (ii) In the event of extenuating circumstances beyond the
7 reasonable control of Guam EPA that prevent completion of the review
8 within the sixty (60) calendar day period, Guam EPA may extend the
9 review period for an additional period not to exceed sixty (60) calendar
10 days by providing written notice to the applicant explaining:

11 (1) the basis for the extension;

12 (2) the outstanding issues requiring review; and

13 (3) the anticipated date of final agency action.

14 (iii) Applicants may request expedited review upon payment of
15 an additional fee equal to ten percent (10%) of the applicable permit
16 fee. Guam EPA may establish procedures governing expedited review
17 through rules and regulations.

18 **Section 6. Severability.** If any provision of this Act or its application to any
19 person or circumstance is found to be invalid or inorganic, such invalidity shall not
20 affect other provisions or applications of the Act that can be given effect without the
21 invalid provision or application, and to this end the provisions of this Act are
22 severable.

23 **Section 7. Effective Date.** This Act shall take effect upon enactment.