



RESOLUTION NO. 2021-21

**Relative to Authorizing the General Manager to Submit Legislation to the Guam Legislature
Regarding the Construction of the Cabras 41MW Diesel Units**

WHEREAS, the U.S. Environmental Protection Agency (USEPA) filed a complaint against GPA alleging violations of the Clean Air Act (“CAA”), and on April 20, 2020, the Court entered the Consent Decree to resolve the alleged violations of the CAA; and

WHEREAS, the Consent Decree requires Guam Power Authority (“GPA”) to construct the Ukudu power plant and associated 41MW diesel units by April 30, 2024. The diesel units were required to be relocated to the Cabras industrial on Lot 257 to ensure that the Ukudu power plant could be constructed using a minor source permit; and

WHEREAS, the proposed construction area on Lot 257 is within 1200 feet of Jose Rios School. The new 41MW diesel plant is for emergency/peaking use, and will use clean burning ULSD. This site is within the Cabras industrial area, and was deeded to GPA by the US Navy in March 1976 for operation of fuel oil storage and a steam power plant. An exemption is needed for the construction on Lot 257, as §8119, Title 12, Guam Code Annotated, provides that “no power generation facility, with a capacity in excess of one (1) megawatt and utilizing fossil fuels, may be constructed within one thousand five-hundred feet (1,500’) of a school.” In order for construction to proceed on Lot 257, an exemption is needed from the Guam Legislature; and

WHEREAS, GPA has prepared a proposed bill that would grant an exemption from the provisions of §8119 for the construction of the 41MW diesel units burning ULSD on Lot 257.

NOW THEREFORE, BE IT RESOLVED, by the Consolidated Commission on Utilities, as follows:

1. For all the reasons listed herein, and based on all the additional information provided by GPA, the CCU authorizes the General Manager to submit the proposed bill to the Guam Legislature.

RESOLVED, that the Chairman of the Commission certifies and the Secretary of the Commission attests the adoption of this Resolution.

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DULY and REGULARLY ADOPTED this 27th day of July, 2021.

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Certified by:

Attested by:



JOSEPH T. DUENAS
Chairperson
Consolidated Commission on Utilities

MICHAEL LIMTIACO
Secretary
Consolidated Commission on
Utilities

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I, **Michael Limtiaco**, Secretary for the Consolidated Commission on Utilities (CCU), as
evidenced by my signature above do certify as follows:

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The foregoing is a full, true, and correct copy of the resolution duly adopted at a regular
meeting of the members of Guam Consolidated Commission on Utilities, duly and legally held at
the meeting place properly noticed and advertised at which meeting a quorum was present and
the members who were present voted as follows:

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Ayes: 3

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Nays: 0

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Absent: 2

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Abstain: 0

