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OAG Wins Illegal Dump Summary Judgment

March 10, 2014- Tamuning, Guam- Last Friday, the Office of the Attorney General (OAG), who represented the Guam Environmental Protection Agency (GEPA, won a summary judgment against Joseph S. Taitano and his wife, Rosalind C. Taitano for using private property in Yigo as an illegal dump.

Assistant Attorneys General Kat Fokas and Happy Rons successfully obtained \$7.5million in monetary damages, and more importantly, also obtained an injunctive relief stopping the Taitanos from further damaging the environment.

“We only have one environment. That is why this victory is so important. While monetary retribution is a good start, it is not enough. Forcing these defendants to clean up the long-lasting pollution they created is of utmost importance so that our future generations have clean water and a healthy environment,” said Attorney General Leonardo M. Rapadas.

For many years, the Taitano couple allowed solid and hazardous waste, construction debris, household goods and green waste to be dumped on private lots in Yigo. This included receiving large chunks of concrete that contained lead paint, unusable vehicles that leaked battery acid, old refrigerators and freezers containing Freon that seeped out, paint cans, and mountains of other trash-all of which are hazardous materials damaging to our environment, human health, and animal life.

The administrative process began with GEPA in 2008. In 2012, the OAG filed a civil lawsuit against the Taitano couple. The civil lawsuit allowed the OAG not only to seek monetary damages as the administrative process would have, but more importantly, allowed for injunctive relief that includes provisions for testing, monitoring and clean-up of the huge coral pit, other numerous dumpsites and consequential environmental damages.

In addition to the obvious detriment caused by operating an illegal dumpsite, the resulting environmental damages are the truly unsettling part, the extent of which remains unknown. The aquifer, which acts as a natural filter system for our drinking water, could possibly be compromised. This affects generations upon generations of future residents.

“This judgment sends a strong message: If you are illegally dumping, beware! There are consequences. Neither GEPA nor the Office of the Attorney General will give up.”

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“The law will prevail, leaving a healthy legacy for our children. This is a core part of my commitment to the People of this Island,” said AG Rapadas.

Mr. Taitano has indicated that he is going to seek an appeal through the Supreme Court. The OAG is confident that the record it created in this case will prevent the judgment from being overturned.

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