



## **Parties**

2. Attorney General Leevin T. Camacho has authority to bring civil actions to abate public nuisances in Guam on behalf of the government of Guam (Guam) pursuant to 5 GCA § 30110 and 21 GCA § 23101.
3. Upon information and belief, Defendant KEPCP-LG CNS Mangilao Solar, LLC is the owner of Lot 1- R3 Tract 1541 in Sasayan, Mangilao, Guam, the site of the Mangilao Solar Project.
4. Upon information and belief, Defendant Samsung E & C America, Inc. is actively engaged in earth moving operations as part of the construction of the Mangilao Solar Project.

## **Factual Background**

5. Upon information and belief, Defendants knew that the Mangilao Solar Project is located within the recharge area of the Northern Guam Sole Source Aquifer.
6. Upon information and belief, the Northern Guam Lens Aquifer supplies eighty percent (80%) of the island's drinking water.
7. Upon information, Defendants knew that the Mangilao Solar Project is located within a watershed area.
8. Upon information and belief, the Department of Public Works (DPW) and Guam Environmental Protection Agency (GEPA) approved permits for the construction of the Mangilao Solar Project.

9. As part of the permitting process, Defendants were required to submit and receive approval of its Erosion and Sediment Control Plan (E&SC Plan) from GEPA.
10. Upon information and belief, under the terms of the Mangilao Solar Project E&SC Plan, perimeter erosion controls and ponding basins were required to be installed prior to any grubbing or earthwork activities.
11. Upon information and belief, Defendants had a duty to implement erosion and sediment control in line with best management practices and local regulations.
12. Upon information and belief, this included the construction of five (5) ponding basins and revegetation underneath solar arrays.
13. Upon information and belief, on July 23, 2021, GEPA received a complaint alleging discharge of runoff and sediment from the Mangilao Solar Project.
14. Upon information and belief, GEPA conducted a site inspection and observed evidence of significant off-site discharge and sedimentation from at least two (2) locations at the Mangilao Solar Project.
15. Upon information and belief, despite construction being at an advanced stage, Defendants have not fully implemented the approved measures required under the Mangilao Solar Project E&SC Plan.
16. Upon information and belief, GEPA conducted a follow-up inspection on July 28, 2021 and observed evidence of significant discharge of runoff and

sediment from the Mangilao Solar Project into Sasayan Cave, a freshwater cave, also known as, Marbo Cave.

17. Upon information and belief, GEPA observed extensive erosion damage and sedimentation into Sasayan Cave, also known as, Marbo Cave freshwater pools and the surrounding area.

#### **First Cause of Action - Public Nuisance**

18. Guam incorporates by reference the allegations in all preceding paragraphs.
19. Upon information and belief, Defendants, by acting or failing to act, willfully or with knowing disregard, created or permitted a condition that resulted in soil being discharged into Guam's freshwater and ocean.
20. Upon information and belief, Defendants, by acting or failing to act, willfully or with knowing disregard created or permitted a condition that resulted in soil (sediment), debris, and trash being discharged onto adjoining properties, including Sasayan Cave, also known as, Marbo Cave and its pool.
21. Upon information and belief, Defendants, by acting or failing to act, willfully or with knowing disregard created or permitted a condition that resulted in large volumes of water and sediment entering Sasayan Cave, also known as, Marbo Cave, covering the cave and pool with sediment film, debris, and trash.
22. An ordinary person would be reasonably annoyed or disturbed by having soil, debris, and trash discharged onto their property and into their water.

## **Second Cause of Action - Natural Resource Damage**

23. Guam incorporates by reference the allegations in all preceding paragraphs.

24. The government of Guam is the owner and trustee of all ground water in all surface water sources and underground sources.

25. Upon information and belief, Defendants, by acting or failing to act, willfully or with knowing disregard created or permitted a condition that has damaged Guam's waters.

26. Upon information and belief, Defendants, by acting or failing to act, willfully or with knowing disregard created or permitted a condition that has caused and continues to cause damage to Guam's natural resources and environment.

### **Prayer for relief**

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. During the pendency of this action, a preliminary injunction against Defendant ordering it to prevent the unreasonable discharge of sediment, debris, and trash onto adjoining properties, into Guam's groundwater, or into the ocean;
2. Declaration that the conditions created or permitted to be created by Defendants are a public nuisance;
3. Finding the Defendants jointly and severally liable for all reasonable costs incurred in cleaning up or abating the discharge of sediment,

debris, and trash onto adjoining properties, into Guam's groundwater, and into the ocean in an amount to be determined at trial;

4. Finding the Defendants jointly and severally liable for all responses costs and damages to natural resources in an amount to be determined at trial;
5. Awarding punitive damages against Defendants in an amount to be determined at trial; and
6. For other relief as the court deems necessary.

### **Jury Demand**

Guam hereby requests a jury trial on all issues raised in this Complaint to the extent permitted by law.

Respectfully submitted this 5th day of August, 2021.

**OFFICE OF THE ATTORNEY GENERAL**  
**Leevin Taitano Camacho, Attorney General**

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**LEEVIN TAITANO CAMACHO**  
Attorney General

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**JOSEPH A. PEREZ**  
Assistant Attorney General