



AHENSIAN PRUTEKSION LINALA GUAHAN
LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

NOTICE OF VIOLATION

Inspection Date: January 11, 2019 Time: 3:20 PM

GEPA Inspector: Ms. Maricar Quezon and Ms. Helen Gumataotao

PROJECT

Project Name: Illegal Clearing and Grading without DPW/Guam EPA APPROVED PERMIT and NO BMP's installed at site.

Location: Lot No. 3263 REM -3-4, Rte. 4, Chalan-Pago, Ordot, Guam

GEPA Permit Number / DPW Building Permit No: No DPW Building Permit Issued.

Permittee/Property Owner: Mr. Hisayuki, Yumisashi (Property Owner)/
R.C. BUILDERS, LLC

Name of permittee's on site representative: Mr. Hisayuki, Yumisashi (Property Owner)

Contact Number or e-mail address: P.O. Box# 6651, Tamuning, Guam (Tel#653-3807)

VIOLATION(S):

On the basis of the site inspection conducted on the date noted above, the following provisions and standards of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10) and the CNMI and Guam Stormwater Management Manual Guam (as implemented under Executive Order No 2012-02) were observed to have been violated:

- E&SC Standard 1** No clearing, Grading or Stockpiling permit/clearance issued by Guam EPA.
- E&SC Standard 2** Minimize unnecessary clearing and grading from all construction sites. Clearing and grading shall only be performed within areas needed to build the project, including structures, utilities, roads, recreational amenities, post-construction stormwater management facilities, and related infrastructure. Clearing should only be scheduled during the dry season if possible. Mass clearing during the wet season should be avoided.
- E&SC Standard 3** Erosion and sediment control practices shall be aggressively maintained throughout all phases of construction. All erosion and sediment control plans shall have an enforceable operation and maintenance agreement to ensure that practices are maintained during the construction process.

- E&SC Standard 4** Disturbed areas shall be stabilized as soon as feasibly possible after construction is completed within a designated construction area, and in no case longer than 14 days after completion of active construction.
- E&SC Standard 5** Rivers, streams (ephemeral, intermittent, and perennial), ponds, and wetlands shall be protected by limiting clearing within the riparian corridor (minimum of 25 feet from top of bank, more may be required for steep slopes) and applying perimeter sediment controls between disturbed areas and this riparian corridor. Existing and proposed drainage ways should also be protected by ensuring that flow velocities are non-erosive.
- E&SC Standard 6** Steep slopes shall be protected from erosion by limiting clearing of these areas in the first place or, where grading is unavoidable, by providing special techniques to prevent upland runoff from flowing down a steep slope and through immediate stabilization to prevent gullying. A steep slope is defined as any slope over 20% (5:1) in grade over a length of 50 feet.
- E&SC Standard 7** Perimeter sediment controls shall be applied to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site. Upland runoff should be diverted around excavations where possible.
- E&SC Standard 8** Sediment trapping and settling devices shall be employed to trap and/or retain suspended sediments and allow time for them to settle out in cases where perimeter sediment controls (e.g., silt fence) are deemed to be ineffective in trapping suspended sediments on-site.
(Pls. see attached site inspection report)

MITIGATION:

CORRECTIVE ACTION TO BE DONE:

- ~~1.~~ Stop all clearing and grading activities and apply proper permit at DPW One Stop Center.
- ~~2.~~ Install proper erosion and sediment control (BMP's) at site No later than Jan. 17, 2019.

If the above noted violations are not corrected by (time) 8:00 AM on January 23, 2019 Guam EPA may pursue further enforcement action and penalties.

GEPA Enforcement Officer(s)

Sign: *[Signature]*
Helen R. Gumataotao Date: 1/14/2019
 (Print Name and Sign)

ACKNOWLEDGEMENT:

I, *[Signature]* Hayuki YANISATAI have received and understand this notice of violation.
 (Print Name)

Signed: *[Signature]* Date: 1/15/19 Time: 10 o a.m./p.m.

Water Pollution Control Program
Water Division
Guam Environmental Protection Agency

Inspection Report
Lot No. 3263 REM-3-4 off RTE. 4 Chalan Pago, Ordot

Complaint No.: WPC2019-0374

Date of Inspection: 1/11/2019

Time of Inspection: 3:20 PM

Inspected by: GEPA: Maricar Quezon-WPC Engineer
Helen Gumataotao-WPC Inspector

Complainant: Mr. Ernie Quenga 688-5000
182 Chalan Chaot, Sinajana

Background:

On January 11, 2019, 11:19 AM, GEPA Air and Land Program e-mailed WPC program to notify of a complaint they received from Mr. Ernie Quenga at 128 Chalan Chaot Sinajan about a contractor grading into his property line and feels it's a safety issue. As per the complainant Mr. Quenga he does not think the contractor Mr. Yumisashi Hisayuki, Owner of Lot No. 3263 REM-3-4 off RTE. 4 Chalan Pago, Ordot has the proper permits.

Owner: Yumisashi Hisayuki
888-5341
Lot No 3263 REM-3-4 off RTE. 4 Chalan Pago, Ordot

Inspection Findings:

On January 11, 2019, 3:20 PM, GEPA Staffs: Maricar Quezon, Helen Gumataotao conducted a site inspection of Lot No. 3263 REM-3-4 off RTE 4 Chalan Pago, Ordot, after speaking with the complainant Mr. Ernie Quenga. We saw that the property owner Mr. Hisayuki had done some grading to the side of the hill near Mr. Quenga's property. (See Photo No. 1) We then proceed to inspect the back side of the property there we noticed that Mr. Hisayuki had backfilled the area at least 20 Ft. (See Photo No. 2) Just to the left of that back fill was another one near to what looks like a depressed area of the property. (See Photo No. 3) Walking up to the front of the property you see an area of top soil that has no BMP installed around the area.

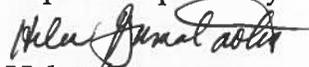
WPC Action Taken:

On January 14, 2019, 10:25 AM, GEPA WPC Staff, Johnny Abedania, Maricar Quezon and Helen Gumataotao had a meeting with the property owner Mr. Hisayuki and later found out that Mr. Hisayuki clearing and grading permit has since expired. Mr. Hisayuki was informed of his violations and that GEPA will be issuing an NOV for his violations.

Recommendations:

Mr. Hisayuki must address the NOV and reapply for another clearing and grading permit before any work can resume on the property. Follow inspection of the property to be done to see if any action was taken.

Report Prepared by:



Helen Gumataotao

Inspector-WPC

Lot No. 3263 REM-3-4 Off RTE. 4 Chalan Pago, Ordot

Photo No. 1



Photo 1: Grading without proper permits

Photo No. 2

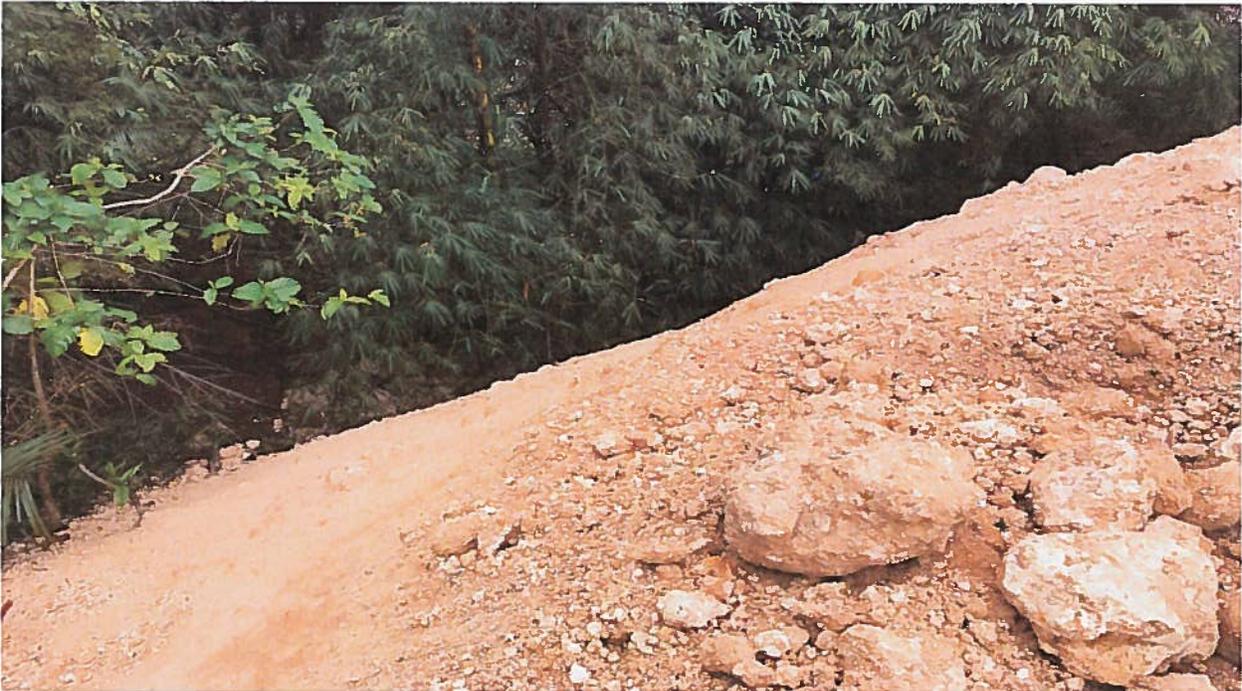


Photo 2: Backfill 20 Ft. high

Lot No. 3263 REM-3-4 Off RTE. 4 Chalan Pago, Ordot

Photo No. 3



Photo 3: More backfilling

Photo No. 4



Photo 4: No BMP's present



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA' LA GUAHAN

3304 MARINER AVE., BDG. 17 • BARRIGADA GUAM 96913

GEPA ONE STOP PERMIT SECTION Inspection Schedule

Owner: MR. Hisayuki Yumisashi GEPA Permit No. _____
 Contractor: _____ Project Type: _____
 Location and Lot No. LOT NO. 3263 REM-34, RFA CHALAN-PAGO, ORDOT GUAM
 Schedule Date: 4/17/19 Scheduled Time: 9:20 AM Date Requested: 4/17/19

Check the type of work requiring inspection:

- | | | |
|--|---|---|
| <input type="checkbox"/> On-Site Drainage System | <input type="checkbox"/> Grease Interceptor | <input type="checkbox"/> Sewage Treatment Plant |
| <input type="checkbox"/> Septic Tank / Leaching Field | <input type="checkbox"/> Site / Ocular Inspection | <input type="checkbox"/> Clearing and Grading |
| <input checked="" type="checkbox"/> OTHERS <u>Silt fence</u> | <input type="checkbox"/> Stockpiling | <input type="checkbox"/> Backfilling |

REMARKS: Explain clearly the type of work that requires inspection.

Silt fence installed around the project site. All silt fences in compliance and approved.

Inspector's Name (Print): Helen R. Gumataotao
 INSPECTION: 4/17/19 (DATE) and 9:20 AM (TIME)

R.M.E. of Contractor / Owner

Address and Telephone No.

Certification of GEPA Official:

I certify that all work / / has been done / / has not been done in compliance with GEPA Rules and Regulations: with the approved plans and specifications and with the Building Law of the Government of Guam.

Helen R. Gumataotao 4/17/19 (✓) APPROVED () DISAPPROVED
 GEPA Official Date

INSTRUCTIONS:

This form is to be prepared in three (3) copies at the Building Permit One Stop Center, at least seventy-two (72) hours in advance.

NOTE: Provide (drawing or sketch) location map on the back sheet of the white copy. This is not valid unless pertinent inspection reports are attached in the white and yellow copy, and duly signed by the assigned GEPA staff.