Honoroble Therese M. Terlaje
Speaker
I Mina’ntenai Sias na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: 5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting – May 2021

Hafa Adai Madam Speaker,

Transmitted herewith are the minutes and other required documents from the Guam Environmental Protection Agency (Guam EPA) Board of Directors Regular Meetings for May 2021, in accordance with 5 GCA §8113.1.

Should you have any questions or if the Agency can be of any assistance to you and your office, please feel free to contact the Agency at 300-4751.

Respectfully,

[Signature]
Arlene S. Acfalle
Guam EPA Board Secretary

cc: Guam EPA Administrator
Guam EPA Board Chair

Enclosures: May 20, 2021 Attendance Sheet (Certified by Board Secretary, Arlene Acfalle)
May 20, 2021 Approved Agenda
April 15, 2021 Approved Minutes
RRF Financials
Lot size determination over the Northern Guam Lens Aquifer PowerPoint
Revised Guam EPA Minimum Yard and Lot Area table (dated: 11-10-2009)
Northern Guam Sole Source Aquifer (Designated Area- dated 03/25/2008)
Virtual Board of Director’s Meeting
Thursday, May 20, 2021 4:00 p.m.
Via Google meet platform

SIGN IN SHEET

BOARD MEMBERS:

Chairman Steven Carbullido __ Present calling in from Tamuning.

Director Steve Carrara __ Present calling in from Tamuning.

Director Steve Hollister __ Present calling in from Agat

Director Florida Sanchez __ Not present

Director Dave Duenas __ Present calling in from Dededo

Moneka De Oro __ Present calling in from Taloffo

Attendance certified by Board Secretary: Arlene MS Acfaile
Date: 5/30/2021
Guam EPA Board of Directors Regular Meeting Agenda

Thursday, May 20, 2021 – 4:00 p.m.
Location: Google Meet: [https://meet.google.com/uwg-tyaa-skd](https://meet.google.com/uwg-tyaa-skd)
Meeting will be live streamed on [youtube.com/guamepa](https://youtube.com/guamepa) and [facebook.com/guamepa](https://facebook.com/guamepa)

I. Call to Order

II. Approval of Agenda

III. Approval of April 2021 Meeting Minutes

IV. Administrator’s Report

V. Old Business:
   RRF, MCOG Program Update
   Air Pollution: Findings of Failure to Submit State Implementation Plans
   Underground Storage Tank Rules & Regulations Update
   Active NOV’s
   Lin’s Hardware
   Su & Zheng Corp
   Feiyang Construction & Engineering
   Smithbridge
   Pili Falled Septic System
   Contrack Watts
   Dusil Thani
   Sand Castle
   Old Royal Palm Garage
   Verona
   Cardones (SWMP)

VI. New Business
   Proposal to utilize officially adopted map of Groundwater Protection Zone (GPZ) for determination of minimum lot sizes over the Northern Guam Lens Aquifer by Department of Lands Management

VI. New meeting date and adjournment
Call to Order: Chairman Steven Carbullido called the Board of Director’s meeting to order at 4:00 p.m. via the Google meet platform. Roll call was done by Board Secretary, Arlene Acfaile as follows:

Board Members:
Chairman Steven Carbullido – Present calling from Tamuning,
Director Robert Perron – Present calling from Tamuning
Director Steve Hollister – Present calling from Agat
Director Flori Sanchez – Not present during roll call (joined during the meeting)
Director Ann Roth – Present calling from Windward Hills, Yona
Director Steven Carrera – Present calling from Harmon
Director Nicolas Pape – Not present
*Quorum has been established*

Guam EPA Staff: Walter Leon Guerrero- Administrator, Sabrina Cruz-Sablan, Brian Bearden, Conchita San Nicolas, Connie Afilleje, Glenn San Nicolas, Jesse Cruz, Kristan Finney (Legal Counsel), Mike O’Mallian, Nic Lee, and Roland Gutierrez

Approval of Agenda: Director Perron made a motion to approve agenda, seconded by Director Carrera. All voted in favor, zero (0) opposed and motion passed.

Approval of Minutes: Director Roth made a motion to approve the minutes seconded by Director Perron. All voted in favor, zero (0) opposed and motion passed.

Administrator’s Report: Administrator provided the Board update
  o Observed a moment of silence for Betwin Alokoa who passed away on March 19th, 2021.
  o Earth Month Virtual Proclamation Signing is scheduled for April 19, 2021 at 11:15am. Board Secretary will provide the link once available. Guam EPA will be hosting a luncheon, and invitation was extended to the Board of Directors.
  o Abandoned Derelict Vessels (ADV) Removal: ADV Removal Group Meeting Minutes was transmitted to the Governor and is posted on Agency website. The Governor provided approval and the next meeting is on April 22, 2021 with the Lt. Governor. Jesse noted that the RFP was submitted for approval which would allow the Navy Salvage Team from Singapore to perform the work in Guam.
  o Agency announced 2 RFP’s:
    ▶ 2021-2200-01 – Is for professional services to be performed by a Botanist / Ecologist in Guam’s 2021 National Wetland Conditions Assessment (NWCA).
    ▶ 2021-2200-01 - Is for herbarium professional services for Guam’s 2021 National Wetland Condition Assessment (NWCA) to be conducted in Guam.
Jesse advised that the National Wetland Assessment is one of USEPA’s main monitoring efforts that they rotate on a regular schedule. These include coastal shorelines, great lakes, rivers, streams, and wetlands. This will be the first time Guam EPA/Guam will be participating in the wetland survey which will take place this summer, accessing 50 sites, island wide.

- IBTF Meeting – Agency presented on the ADV Removal Project (11 ADV’s and 1 barge were identified as priority). Agency discussed the IECP stats (690 vehicles collected, 4,827 tires collected, and 207 verified invoices submitted totaling $360,949).
- Agency will participate in the IBTF Island-wide cleanup on Saturday, April 24, 2021 from 6am to 12noon at the Harmon Sink Hole.
- Cocos Tire Reef Removal Project – Notice to Proceed Letter issued to Unitek Environmental Guam.
- Region 9 On scene Coordinator led a training on Mercury response and cleanup.
- Pesticide State Lead Agency – Request was submitted to the Governor for approval for the agency to be designated as state lead for all of Guam’s pesticide-related issues, relative to the state certification plan.
- Bill 69-36 – Guam EPA provided testimony on polystyrene product distribution from eating and drinking establishments. Public hearing held today. Agency supports the intent, but added comments to address some gaps in the bill including more control at importation level.
- Bill 115-36 – relative to garbage collection and removal. Introduced on Tuesday, April 13, 2021.
- Bill 116-36 – relative to enhancing agency’s capacity to address illegal dumping. Introduced on Tuesday, April 13, 2021.
- Guam Spill Management Team/Hazardous Materials Tabletop Exercise (TTX) 2021 – The US Coast Guard and Guam EPA are co-chairs for the TTX in accordance with the Mariana Islands Area Contingency Plan (MIACP).

Old Business:
- RRF, MCOG Program update: Sabrina noted an additional $500K has been released to the MCOG. As of Monday, April 12, 2021 the PO’s have been distributed out to the vendors for white goods and the bins. Director Roth requested clarification on the amount that was spent from the first drawdown of $500K. Sabrina advised we received invoices totaling $360K with some PO’s not being fully exhausted.
- Air Pollution: Findings of Failure to submit State Implementation Plan (SIP) update (for Attainment of the 2010 1-hour Primary Sulfur Dioxide (SO2) National Quality Air Quality update – Roland noted the modeling was approved and the emissions inventory completed. A conference call is scheduled next week with USEPA to discuss the inventory. The packet will be sent to the Board for review after approval is provided by USEPA.
- Underground Storage Tank Rules & Regulations update: Administrator stated the agency sent a letter to Senator Sabina Perez’s office advising that Guam EPA does not have to resubmit the rules & regulations to the ‘new’ legislature, based on the law. Upon receipt of the letter, Senator Perez is requesting for a meeting to discuss the matter. Meeting will take place sometime next week. Conchita also chimed in stating that Kristan, Legal Counsel, also took a look at this with consult from the OAG. Their position as well is that the regulations were approved by default. Kristan concurred.
- Active NOVs:
  - Lin’s Hardware – Brian noted Guam EPA plans to work on a new NOV based on the new regulations.
  - Su & Zheng Corp – Brian noted this NOV is to be closed out.
  - Feyfang Construction & Engineering – Brian noted this NOV is to be closed out.
  - Smithbridge – Brian noted the Administrator is reviewing this.
  - Pit failed septic system – Brian noted this is with Guam EPA to follow up on.
  - Contract Watts – Brian noted this is with Guam EPA to follow up on.
  - Dustpan Slim – Brian noted this NOV is to be closed out.
  - Sand Castle – Brian noted this NOV to be closed out.
  - Old Royal Palm Girage update – Glenn noted he is waiting on owner, Honoi Group, to send latest status on project.
  - Verona – Glenn noted Guam EPA is requesting assistance from DRT however they are not able to track the owner or company for this property.
New Business

- SWMP NOV/OC # SW 21-001 (Cardones) – Glenn informed the Board that an NOV was issued due to accumulation of solid waste, household trash, white goods and junk vehicles. The agency is waiting for the 15 days (which will end on April 27th) to see if Mr. Cardones is going to file a Notice of Defense. Mr. Cardones waived his option to speak to the Board to come up with a resolution. Administrator also advised that the list of vehicles on the property is extensive which includes junk cars and fuel trucks to name a few. Conchita also chimed in stating the agency has issued NOV’s to this individual in the past and he is a repeat violator. Director Perron stated he should not be able to use the RRF funds.

Board Reminders:
- Administrator noted there is a form for interested Board members regarding a stipend. Board Secretary noted that all forms have been sent to the Board members
- Board Secretary reminded the Board of the deadline of April 22, 2021 to submit their Conflict-of-Interest forms to Guam Election Commission

New Meeting Date/ Adjournment: Next meeting was set for May 20, 2021 at 4pm via Google meet platform. Director Perron made motion to adjourn meeting and seconded by Director Roth. All voted in favor, zero opposed, and regular meeting adjourned at 4:47p.m.

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Board Secretary
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May 20, 2021

Northern Guam Lenses Aquifer
Lot size determination over the
GEPA Recommendation: Return to the use of the GpZ map

- The 1978 USEPA Sole Source Aquifer Designation “map”
- OR:
  - The 1986 Groundwater Protection Zone (GpZ) map

Guam Lens Aquifer?
Which map should be used in determining lot sizes over the Northern

The question to be answered:
Note that this law does not refer to the GPZ, but the "aquifer," which is not defined.)

The Guam Environmental Protection Agency (GEPA) and set-back on properties above the aquifer shall be established by "Lot sizes and: 21 GCA §61501.

Zoning laws (21 GCA Chapter 61):

*Background*
Background
CUIM ENVIRONMENTAL PROTECTION AGENCY

EPA. The aquifer extends from the shore to more than 200m in Northern Guam. This assessment was done by the Guam EPA during the course of its normal monitoring activities. The aquifer is under the control of the Guam EPA, and the results of this assessment were used to develop a plan to protect the aquifer from contamination. The plan includes the implementation of a series of measures designed to minimize the risk of contamination. These measures include the installation of barriers, the implementation of a monitoring program, and the development of a contingency plan in case of a spill. The plan is being implemented by the Guam EPA in cooperation with the Guam Department of Land Resources Management and the Guam Department of Public Health and Social Services. The plan is expected to be completed within the next two years. The Guam EPA wishes to acknowledge the efforts of all those involved in the development of this plan.
USEPA Sole Source Aquifer Designation:

NOT coast-to-coast

10,000 ppm TDS means this is

A description of the aquifer

Not a map

43 FR 1788

Posted in 1978 Federal Register
law, be inserted into to plan or design the project to assure that it will not so contaminate the aquifer, so as to create a significant hazard to public health. But a commitment for Federal assistance may, if authorized under another provision of otherwise, may be required for any project which the Administrator determines may contaminate such aquifer through a recharge zone after the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or determination in the Federal Register) water source for the area, and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which is authorized by Section 424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et seq.), which EPA's authority to designate aquifers as sole source

https://www.epa.gov/dwssp/overview-drinking-water-source-aquifer-program#water-554
To GCA Chapter 47; Guam Water Pollution Control Act

1. Adopted following Guam law

2. ~4,000 feet inland from coast; to encompass usable aquifer only

3. Based on hydrogeology

4. Study

5. Based on map proposed by John Mink in 1982 Northern Guam lens

Zone Map

Guam EPA's 1986 Groundwater Protection
newspaper of general circulation. be published at least once a week for two (2) consecutive weeks in a
zone map shall indicate the time, date and place for such hearing and shall
the consideration, adoption or modification to the Groundwater Protection
Act, and shall be held in connection therewith Notice of public hearing for
agency or before said map is altered or modified, public hearings by the
agency of the ground water protection zone map by the

Before the adoption of the Groundwater Protection Zone map by the

bonds description of the land area designated the administrator
shows the Department of Land Management shall prepare a maps and
records, water level measurements, and hydrogeological studies and
subsurface geologic investigations. water quality analyses, hydrogeological
affected or modified based on new information including, but not limited to
altered or modified based on new information including, but not limited to
therefore, the Groundwater Protection Zone map may from time to time be
rather. The Groundwater Protection Zone map which defines those land areas which reveal excessive
protection zone map which defines those land areas which reveal excessive
of underground water resources, the agency shall prepare a Groundwater

§ 47108.1. Designation of Groundwater Protection Zone.
Northern Guam LENS Study GPZ

Proposed in NGLS (1982)
Adopted as GPZ (1986)
Not referenced in any CEQA laws or regulations; only 2008 memo to DLM
Meaning only for USEPA review of federally funded actions
Coast-to-coast illustration misrepresents 10,000 ppm
Not a "map"; a written designation
More restrictive (larger minimum lot sizes for all of Northern Guam)

CONS:

More protective (larger minimum lot sizes for all of Northern Guam)

PROS:

Sole source aquifer "map"

Analysis
Groundwater Protection Zone (GPD) map

Analysis, continued (2 of 3)
These areas are currently mostly sewered, so future unsewered development is limited.

- Does not include area around airport & Harmon
- Does not incorporate scientific findings since early 1980s
- Drinking water
- Smaller lots allowed, but only outside GpZ where aquifer is less usable as a source of
- Less restrictive

CONS:

Groundwater Protection Zone (GpZ) map.

Analyses continued (3 of 3)
This is consistent with use in GEP Consenlations which already allow septic
return to the use of the GPZ map for determining minimum lot sizes

GEPA Recommendation
Future actions

- GEPA is working with WERI to develop a revised GPZ based on hydrogeological findings since the 1980s.
- GEPA is following up with the Attorney General on the 4/1/2019 request for legal opinion on conflict.
- GPZ land use requirements under the Water Quality Standards restrict septic system density to no more than 1 dwelling per 1/2 acre.
- Guam’s land rules allow for smaller lots following the "parental subdivision" rule.

The question posed: Which rule applies?
MEMORANDUM

TO:          Director, Department of Land Management  
FROM:        Administrator  
SUBJECT:     Revised Guam EPA Minimum Yard and Lot Area Table.

Hafa Adai,

Public Law 24-51, amends Section 61501(a) and adds new subsection (b) and (c) of Chapter 61 Title 21 GCA. The amendment and additions to the Zoning Law require all "A" (Rural) zoned property located over the Northern Guam Sole Source Aquifer (NA) to have individual lot sizes no less than 19,200 sq. feet (1,728 sq. meters) when public sewer is not available and only one dwelling unit is authorized per 19,200 sq. feet (1,728 sq. meters). Furthermore, when public sewer is available or when the property is located outside the NA, lot size shall not be less than 9,600 sq. feet (864 sq. meters).

Section 61501(c) also provides that Guam EPA has ultimate authority to establish lot sizes and set back requirements for all development over the Northern Aquifer.

In reply to concerns of the DLM Chief Planner when he was reviewing a subdivision map for returned properties in the Dos Amantes area. He came across a few lots not conforming to the lot sizes reflected on our Minimum Yard and Lot Area Table over the NA. Our Guam EPA planners have worked with him in formulating minimum lot sizes to be applied to unzoned properties.

Attached is a copy of the revised Guam Environmental Protection Agency Minimum Yard and Lot Area Table reflecting the required lot sizes for sewerred, unsewered, parental and unzoned properties over the NA.

The Guam Environmental Protection Agency wishes to officially notify the Department of Land Management that the revised Guam EPA Minimum Yard and Lot Area Table will be utilized when entertaining lot sizes for unzoned properties such as returned properties, (Ancestral Lands, Chamorro Land Trust Properties) over Guam’s Northern Aquifer. For any questions please contact our acting Chief Planner Mr. Mike Gawel at 475-1673 or Mike.Gawel@epa.guam.gov

LORILEE T. CRISOTOMO

"ALL LIVING THINGS OF THE EARTH ARE ONE"

quams home com
GEPA MINIMUM YARD AND LOT AREA TABLE
As of 4 September 2009
Minimum Lot Size (sq. ft.) by Zone

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<th>Over Northern Aquifer</th>
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Minimum Residential Lot Sizes (sq. ft.)
Outside Northern Aquifer

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LORILEE Y. CRISOTOMO
MEMORANDUM

TO: Director, Department of Land Management

FROM: Administrator

SUBJECT: Northern Guam Sole Source Aquifer (Designated Area).

Buenas yan Saluda!

The Guam Environmental Protection Agency (Guam EPA) wishes to officially notify the Department of Land Management that the Groundwater Protection Zone Map (GPZ) shall no longer be utilized when referencing lot sizes over Guam’s Northern Aquifer (NA).

The Guam EPA is forwarding to your Department a working copy (attached) of the Northern Guam Sole Source Aquifer Map (EPA, Region 9, Nov 2001), indicating the approximate boundaries of the NA. This is not an official designation or delineation map, but is the most up-to-date map available from US EPA to use in addressing where land uses may impact on the NA and where Guam’s Minimum Lot Size Law should apply. The Aquifer extends from shore to shore in Northern Guam.

Public Law 24-51, amends section 615019(a) and adds new subsection (b) and (c) of chapter 61 title 21 GCA. The amendment and additions to the Zoning Law require all “A” (Rural) zoned property located over the NA to have individual lot sizes no less than 19,200 sq. feet (1,728 sq. meters) when public sewer is not available and only one dwelling unit is authorized per 19,200 sq. feet (1,728 sq. meters), for all zoning except “M-2” (Heavy Industrial) where residential dwellings are prohibited (Revised Minimum Lot Size by Zone Over the Northern Aquifer Table, October 9, 1998, GEPA). Furthermore, when public sewer is available or when the property is located outside the NA, lot size shall not be less than 9,600 sq. feet (864 sq. meters).

Section 61501(c) also provides that Guam EPA has ultimate authority to establish lot sizes and set back requirements for all development over the Northern Aquifer.

"ALL LIVING THINGS OF THE EARTH ARE ONE"
Page 2, Northern Guam Sole Source Aquifer (Designated Area)

Our staff is working on developing a map of the NA, to show lot location relative to its boundaries. Until an Official Northern Guam Aquifer Map is approved, each application for a subdivision in areas not clearly and obviously in or out of the NA will be inspected and verified by staff of our Water Resources Program and Guam EPA will advise DLM Planners of such lots being over the NA on a case by case basis. For any questions please contact our Chief Planner Mr. Mike Gavel at 475-1646 or Mike.Gavel@guamepa.net.

Dangkolo na Si Yu’os Ma’ase’,

[Signature]

LORILEE T. CRISOTOMO

Attachment
cc: BOSP
Northern Guam Sole Source Aquifer
Designated Area

Notes and Explanation:
The Northern Guam Sole Source Aquifer was designated under the authority of Section 1423(a) of the Safe Drinking Water Act, Federal Register Citation 51 FR 47732, Public Law 94-579, 1981, and Federal Register 55, No. 10, 1990. Please contact US EPA Region IX (Mailing Address: 1110 W. 38th Ave., Salt Lake City, UT 84109-5338) for assistance in determining plume locations with respect to the project review area.

Map Status and Disclaimer:
Please note that this working map is a computer representation compiled by the Environmental Protection Agency (EPA) from data which have supplied data or information that many have been verified by the EPA. This data is compiled here as a general representation only, and is not to be used for commercial purposes without verification by an independent professional certified to verify such data or information. The EPA does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance upon this information shown.
# GEPA Minimum Yard and Lot Area Table
(as of 10 October 1998)

## Minimum Lot Size (sq. ft.) by Zone
**Over Northern Aquifer**

<table>
<thead>
<tr>
<th></th>
<th>&quot;A&quot;</th>
<th>&quot;R-1&quot;</th>
<th>&quot;R-2&quot;</th>
<th>&quot;C&quot;</th>
<th>&quot;M-1&quot;</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
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</table>

### Lot area per dwelling unit

<table>
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<th>&quot;A&quot;</th>
<th>&quot;R-1&quot;</th>
<th>&quot;R-2&quot;</th>
<th>&quot;C&quot;</th>
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<tbody>
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<td>1,250</td>
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## Minimum Residential Lot Size (sq. ft.)
**Outside Northern Aquifer**

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<th>&quot;R-2&quot;</th>
<th>&quot;C&quot;</th>
<th>&quot;M-1&quot;</th>
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</thead>
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### Lot Area per unit

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<th>&quot;A&quot;</th>
<th>&quot;R-1&quot;</th>
<th>&quot;R-2&quot;</th>
<th>&quot;C&quot;</th>
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* Residential uses are not permitted in the "M-2" (Heavy Industrial) Zone.