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GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA'LA' GUÁHAN
LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

AUG 16 2021

Samsung E & C America, Inc.
(Respondent)
Mr. ByungHyup Kim, Project Manager
Mangilao Solar Project
P.O. Box 218008
Barrigada, Guam 96921
Contact # 689-1790

Subject: Amended Compliance Order: Amendment No. 1

On the basis of additional information obtained through subsequent inspections, communications from Samsung E & C America, Inc. ("Respondent"), and other information following the issuance of the Notice of Violation / Compliance Order / Penalty Order ("Order") on July 29, 2021, the Guam Environmental Protection Agency ("GEPA") hereby amends the Compliance Order section of the order as follows. This Amended Compliance Order does not change the previous Notice of Violation or Penalty Order, and all previous Compliance Order Items remain in effect unless modified in writing by GEPA.

COMPLIANCE ORDER:

Based on the Violations described in the July 29, 2021 Order, and pursuant to the authority granted to GEPA by 10 GCA Chapter 47 and Public Law 25-152, Respondent is **HEREBY ORDERED** to undertake the following remedial actions (all compliance dates shall be computed using calendar days).

4. **Within seven (7) days of receipt of this Amendment:**
Submit a detailed cleanup and restoration plan for the Marbo Cave area for GEPA review. Clean up and restoration measures must accomplish, at a minimum:
 - a. the removal of sediment from inside the cave and its pools;
 - b. the removal of sediment from the area immediately adjacent to the cave entrance;
 - c. the stabilization of the soil surface adjacent to the cave entrance following sediment removal; and
 - d. the restoration of steps and other private property damaged by the flow of water and sediment.

The plan must include a full description of the methods, equipment, and personnel needed to accomplish the proposed cleanup and restoration work, and a schedule detailing the time

required to accomplish the proposed cleanup and restoration work. Respondent shall be responsible for obtaining all necessary permissions from the property owner for access, cleanup, and restoration activities.

GEPA will coordinate review of Respondent's cleanup and restoration plan with stakeholders including, but not limited to the property owner, the Guam Department of Agriculture, the Guam Department of Parks and Recreation, and the Guam Department of Public Works. Respondent must respond promptly to requests for additional information and revisions to the cleanup and restoration plan during the review process. GEPA will provide additional, written instructions upon the conclusion of the review process. Respondent shall not commence any cleanup and restoration activities until receiving written instruction from GEPA to do so.

5. Within fourteen (14) days of receipt of this Amendment:

Submit to GEPA an engineering evaluation of the overall flow and distribution of stormwater runoff within Respondent's site. The evaluation must address, but is not limited to the following:

- a. Verification based on as-built grades that the amount of runoff conveyed to each sediment basin (pond) is less than or equal to the design capacity of the pond. If the amount of runoff conveyed to any single pond exceeds the original design capacity of the pond, the engineering evaluation must contain recommendations for mitigation to correct the problem to ensure that pond capacity will not be exceeded.
- b. An evaluation of off-site runoff that may be entering the site, and how this can be mitigated if it was not a part of the originally approved site design

6. Within fourteen (14) days of receipt of this Amendment:

Submit to GEPA an erosion and sediment control (E&SC) plan for the area of the project site that lies outside the swales that serve Pond 3. This plan needs to address the prevention of discharges to neighboring properties of sediment and runoff in excess of pre-development conditions. In addition, the plan must address prevention of erosion from the discharge of Pond 3, which currently spills onto a fill slope high above the property boundary.

7. Within fourteen (14) days of receipt of this Amendment:

Submit to GEPA a soil stabilization and revegetation plan detailing the proposed methods and timeline to stabilize site soils and achieve successful stabilization, which shall be defined as all bare soil areas covered at least 70% with established plants.

RIGHT TO APPEAL:

You may file within thirty days of the date of your receipt of this Amended Compliance Order, a Notice of Intent to Appeal also known as a Notice of Defense with the Guam EPA's Board of Directors. A copy of the Notice of Intent to Appeal/Notice of Defense is attached for your convenience.

Unless a written request for a hearing signed by or on behalf of the person, agency or business entity named above in this Amended Compliance Order is hand delivered or mailed to GEPA

within thirty days after the Amended Compliance Order was personally served on you or mailed to you, GEPA may proceed upon the Amended Compliance Order without a hearing. A request for hearing may be made by delivering the enclosed form entitled "Notice of Intent to Appeal also known as A Notice of Defense", or by delivering a notice of defense as provided in 5 GCA §9205, to the following address:

Guam Environmental Protection Agency Board of Directors
C/o Administrator Guam Environmental Protection Agency
Building 17-3304 Mariner Avenue
Tiyan Barrigada, Guam 96913


If you file a Notice of Intent to Appeal/Notice of Defense, the GEPA's Board of Directors shall hold a public hearing, at which time you may appear and present evidence in person or through counsel in support of this petition.

Failure to file a Notice of Intent to Appeal within the period specified above will constitute a waiver of your right to a hearing. If you waive your rights to a hearing the Amended Compliance Order will become final, and GEPA may proceed upon the Order without a hearing and without further notice to you.

Should you have any questions or need additional information, please do not hesitate to contact me and my staff at Water Pollution Control Program or Water Division Chief Engineer, CAPT Brian Bearden, P.E., BCEE at 300-4786 and 300-4779, respectively.

Dângkolu na si Yu'us ma'âse'.

Senseramente,


WALTER S. LEON GUERRERO
Administrator

Attachments: Notice of Defense Form

cc: GEPA Legal Counsel

