



RECEIVED

PRINT NAME: ALAN CHU

SIGNATURE: [Signature]

DATE/TIME: 12/13/22 2:49 P.M.

GUAM ENVIRONMENTAL PROTECTION AGENCY • AGENCIA DE PROTECCIÓN AMBIENTAL DE GUAYAM

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

Daniel Chu
General Manager
Global Recycling Center Inc.
169 Batulo Road
Dededo, Guam 96929

DEC 13 2022

RE: Notice of Violation, Order of Compliance, and Administrative Penalty Order
(NOV/OC/APO No. SW 23-001)

Hafa Adai Mr. Chu:

This Notice of Violation /Administrative Penalty Order (NOV/OC/APO) No. SW23-001 is issued to you as the President of Global Recycling Center Inc. (hereinafter referred to as Respondent) for solid waste violations discovered at your facility on Lot No 10122-15-R1, 169 Batulo Road, located in the municipality of Dededo.

The Guam Environmental Protection Agency (Guam EPA) is responsible for implementing and enforcing the Solid Waste Management and Litter Control (SWMLC), Chapter 51 of Title 10, Guam Code Annotated (GCA), Public Law No. 23-64.

The NOV/OC/APO is based on a Compliance Evaluation Inspection (CEI) conducted on November 04, 2022, as a result of a solid waste complaint concerning odors of petroleum permeating from the Global Recycling Center Inc. Facility (Global Recycling).

Guam EPA inspectors Messrs. Roland Gutierrez and Glenn San Nicolas met with Mr. Allen Chu, Supervisor at Global Recycling. After proper introductions and explaining the purpose of the inspection, the Respondent accompanied Guam EPA Inspectors on the CEI and proceeded to the Dismantling Area located on the southeastern end of the property closest to Batulo Road, where the odors were most pungent.

During the CEI, Guam EPA Inspectors observed two areas of dead vegetation near the Dismantling Area. According to the Respondent, Mr. Manqung Ye, a laborer, applied two (2) gallons of spent fuel, one (1) gallon, at each site to control overgrown vegetation.

On Sunday, November 7, 2022, Guam EPA was notified that the site was cleaned. On Monday, November 8, 2022, Guam EPA verified that the impacted soils were collected and ready for disposal. Nine (9) fifty-five (55) gallon drums of soil were collected and prepared for removal.

RECEIVED

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SIGNATURE: _____

NOTICE OF VIOLATIONS

Based on the CEI, the Respondent violates the following sections of the Guam Solid Waste Management and Litter Control Act, Chapter 51 of Title 10 GCA, and the Guam Solid Waste Collection Rules and Regulations.

1. "It shall be unlawful for any person to violate any provision of this Chapter or any rule, regulation, standard, or order issued under this Chapter." 10 GCA §51110(a)
 - *As described in this report, Global Recycling violated the Solid Waste Management and Litter Control provisions.*
2. "It shall be unlawful for any person to store, collect, transport, process, or dispose of solid waste in such a manner as to degrade the environment, create a public nuisance, create a health or safety hazard, or violate any provisions of this Chapter." 10 GCA §51110(a)(5).
 - *Global Recycling applied spent fuel to control vegetation in a manner that degrades the environment, creates a public nuisance, and creates health and safety hazards—resulting in odor complaints from people downwind of the facility. Global Recycling is located over the Northern Aquifer and is in the Groundwater Protection Zone. Global Recycling is just outside the 1000 ft. Well Head Protection Zone for Y-12 Drinking Water Well. Spent fuel released into the environment impact groundwater and creates fumes that may cause dizziness, headaches, and nausea. Shortly after, the CEI Guam EPA representatives experienced dizziness and lightheadedness.*
3. "It shall be unlawful for any person to improperly manage or operate a solid waste management facility." 10 GCA §51110(a)(9).
 - *Global Recycling improperly managed and disposed of spent fuel by applying it to vegetation and the ground. For proper disposal offsite, spent fuel is typically collected, stored in drums/containers, and disposed of by Unitek Environmental.*

ORDER OF COMPLIANCE

Based on the violations cited above, Guam EPA hereby requires Global Recycling to perform the following remedial measures within the time frames stated below from the date of receipt of this Order:

1. Immediately cease all illegal waste activity on the subject property;
2. Within seven (7) calendar days upon receipt of this NOV/OC/APO, submit the following:
 - (a) Volume of waste removed and disposed of at a Guam EPA Permitted facility.
 - (b) Disposal receipts.

Nothing in this Order of Compliance limits the ability of Guam EPA to enforce any provisions of applicable Guam laws and regulations. Guam EPA does not waive any rights or remedies available to it. Failure to comply with this Compliance Order may subject you to additional administrative, civil, or criminal penalties.

ADMINISTRATIVE PENALTY ORDER

In addition to this Notice of Violation/Order of Compliance, the Administrator of Guam EPA, pursuant to 10 GCA §§ 51115 (b) and (e), hereby imposes an administrative penalty.

The maximum administrative penalty for solid waste is one thousand dollars (\$1,000.00) per day per solid waste violation, or six thousand dollars (\$6,000.00) for two (2) violations of Sections 51110(a) (5) and (9) for three (3) days beginning on November 04, 2022, and ending on November 07, 2022.

The Administrator has used the statutory factors to assess the penalty amount, including the nature and history of these and prior violations and the opportunity, difficulty, and history of taking corrective action.

The Administrator has also considered the following factors in determining the administrative penalties:

- (1) Guam EPA Solid Waste Management Program records show that Global Recycling Center Inc. was issued the following Notice of Violations/Order of Compliance/Administrative Penalty Order for solid waste violations:

- SW04 – Calendar year 2013

Therefore, the Administrator assesses a \$1,000 penalty per day per violation for Section 51110(a) (5) and a \$500 penalty per day per violation for Section 51110(a)(9) in the sum of \$4,500.00 for three (3) days in violation. You are presumed under the law to be able to pay the penalty under 10GCA Chapter 51.

The penalty amount is due and owing fifteen (15) calendar days from the date of receipt of this Administrative Penalty Order. The payment due date will stay upon the timely filing of a Notice of Intent to Appeal/Notice of Defense. Failure to comply with this Administrative Penalty Order may subject you to additional administrative penalties or civil or criminal actions as described above.

NOTICE OF RIGHT TO APPEAL

You may file within fifteen (15) calendar days from the receipt of this NOV/OC a Notice of Intent to Appeal, also known as a Notice of Defense, with the Guam EPA's Board of Directors, setting forth in such Notice of Intent to Appeal/Notice of Defense, a verified petition outlining

the legal and factual bases. Attached is a copy of the **Notice of Intent to Appeal/Notice of Defense**.

Unless a written request for a hearing signed by you or on your behalf is hand-delivered or mailed to Guam EPA within fifteen (15) calendar days of receiving this NOV/OC, Guam EPA may proceed upon the NOV/OC/APO without a hearing.

As provided in 5 GCA §9205, a "Notice of Intent to Appeal, also known as a Notice of Defense, may be hand-delivered or mailed to the following address:

Guam Environmental Protection Agency Board of Directors
c/o Administrator
Attn: Air & Land Division
Guam Environmental Protection Agency
Building 17-3304 Mariner Avenue, Tiyan
Barrigada, Guam 96913

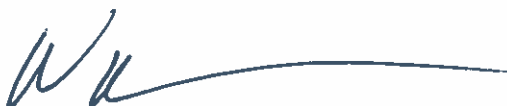
If you file a Notice of Intent to Appeal/Notice of Defense, the Guam EPA's Board of Directors shall hold a public hearing not more than sixty (60) calendar days after receipt of such Notice of Intent to Appeal/Notice of Defense. At this time, you may appear and present evidence in person or through counsel in support of this Petition.

Failure to file a Notice of Intent to Appeal and Verified Petition within the specified period will constitute a waiver of your right to a hearing. If you waive your rights to a hearing, the Order of Compliance and Administrative Penalty Order will become final, and Guam EPA may proceed with the Orders without a hearing and further notice to you.

Should you have any questions regarding this notice, please contact Mr. Glenn V. San Nicolas from the Solid Waste Program at 300-4751.

Dangkolu na si Yu'us ma'ase'.

Senseramente,



WALTER S. LEON GUERRERO
Administrator

Attachments: CEI Report
Notice of Intent to Appeal



GUAM ENVIRONMENTAL PROTECTION AGENCY • *AHENSIAŇ PRUTEKSIÓN LINA'LA' GUÁHAN*

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Solid Waste

Compliance Evaluation Investigation

Purpose:	NOV/OC/APO No.SW23-001
Date of Investigation:	November 04 & 08, 2022
Facility Name:	Global Recycling Inc.
EPA ID Number:	N/A
Site Location:	169 Batulo Road, Lot No 10122-15-R, Dededo
General Manager:	Daniel Chu
Global Representative:	Allen Chu, Supervisor Manqung Ye, Laborer
Mailing Address:	PO Box 27574 GMF, Barrigada, GU 96921
Contact Number:	671-632-0789
GEPA Representatives:	Roland Gutierrez and Glenn San Nicolas
Phone:	300-4764
Report Date:	November 28, 2022

Global Recycling Inc.
Site Map
169 Batulo Road,
Lot No 10122-15-R, Dededo



Figure 1

BACKGROUND

Global Recycling Center Inc. (Hereinafter referred to as Global Recycling) is located on Batulo Road, Dededo. It is situated over the Northern Aquifer and within the Groundwater Protection Zone (GPZ). The red lines in Figure 1 indicate that the property is within the GPZ. The northern side of Global Recycling is just outside the one thousand (1000) foot (ft.) Well Head Protection Zone for the Y-12 Drinking Water Well. Global Recycling operates a Guam EPA Solid Waste Storage and Processing Facility for junk cars, ferrous and non-ferrous metals, and lead acid batteries. Global Recycling provides

services for Guam's residential, commercial, industrial, and government entities. Their facility consists of an administration office, maintenance shop, storage area for unprocessed scrap metal and metals, processing area, and a scale area. Tire bales surround the eastern side; metal bales are used on the northern side of the facility, providing security. The western and southern sides of the property consist of dense vegetation.

INSPECTION

On November 04, 2022, Guam EPA received a complaint concerning a petroleum odor originating from the Global Recycling Inc. Solid Waste Management Facility located on Batulo Rd. in the municipality of Dededo.

Guam EPA Representatives Roland Gutierrez and Glenn San Nicolas met with Allen Chu, Supervisor, and explained the purpose of the complaint. Mr. Chu accompanied the Guam EPA Representatives and proceeded to the Dismantling area located at the southeastern side of the facility closest to Batulo Road, where the odors were most pungent.

During the inspection, Guam EPA Representatives observed two areas of dead vegetation near the Dismantling area, as indicated in photos 1 & 3. The Respondent also doubled as a translator for Mr. Manqung Ye, a laborer who worked in the Dismantling area and did not speak English. When asked why he disposed of the spent fuel, Mr. Ye replied that to kill the overgrown vegetation. When asked how much he applied, Mr. Ye responded about two (2) gallons of spent fuel, one (1) gallon at each site. Mr. Ye showed how much he used by pointing at the 5-gallon container that held the spent fuel.

Shortly after the CEI, Guam EPA representatives experienced dizziness and light-headedness due to acute exposure to the fumes.

On Sunday, November 7, 2022, Guam EPA was notified that the site was cleaned. On Monday, November 8, 2022, Guam EPA observed that the impacted soils were collected and placed in nine (9) fifty-five (55) gallons drums of soil for disposal. The drums will be taken to Buena Vista LLC., which is permitted to process non-hazardous contaminated soils. Photos of the inspection were taken.



Photo No. 1

Date Taken: 11/04/2022

Location: Southeastern side of the facility by the Dismantling Area

Description: Before/Spent fuel used to control overgrown vegetation



Photo No. 2

Date Taken: 11/08/2022

Location: Southeastern side of the facility by the Dismantling Area

Description: After/Impacted soil was removed and replaced with clean fill



Photo No. 3

Date Taken: 11/04/2022

Location: Southeastern side of the facility by the Dismantling Area

Description: Before/Dead vegetation after applying spent fuel



Photo No. 4

Date Taken: 11/08/2022

Location: Southeastern side of the facility by the Dismantling Area

Description: After/Vegetation and shallow soil removed



Photo No. 5

Date Taken: 11/08/2022

Location: Southeastern side of the facility Dismantling Area

Description: After/9- 55-gallon drums of impacted soil were collected from the site.



Photo No. 5

Date Taken: 11/04/2022

Location: Southeastern side of the facility Dismantling Area

Description: Area used to store spent fuels temporarily.



AFHENSIAŦ PRUTEKSION LINA'LA GUÅHAN

NOTICE OF INTENT TO APPEAL – NOTICE OF DEFENSE

I, _____, have received your Notice of Violation, Order of Compliance and/or Administrative Penalty Order dated _____, charging me for violations and/or imposing penalties and/or other orders, and I wish to:

☐ **REQUEST FOR A HEARING AND**

- ☐ Object to the accusation on the ground that it does not state acts or omissions upon which the agency can proceed.
- ☐ Object to the form of the accusation on the ground that it is so indefinite or ambiguous that I cannot identify the infraction or prepare my defense.
- ☐ Wish to prepare a new matter in my defense
- ☐ Admit to the accusation in part

☐ **ADMIT TO THE ACCUSATION IN WHOLE**

☐ **VERIFIED PETITION:** *Under penalty of perjury*, I hereby declare that the following constitutes my legal and factual basis for this appeal (USE ADDITIONAL SHEETS IF NECESSARY):

My mailing address is: _____

PRINTED NAME

SIGNATURE

DATE

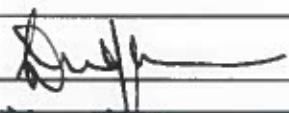

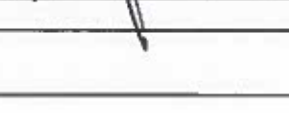
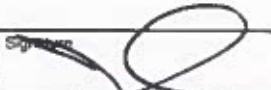
GUAM EPA CASE#: SW 23-001

GUAM EPA | 17-3394 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300-4751/2 | Fax: (671) 300-4531 | epa.guam.gov
TODUY NI'ALAY TANO MAN UNO • ALL LIVING THINGS ARE ONE

   Like and follow guamepa

NON-HAZARDOUS WASTE MANIFEST

Please print or type (Form designed for use on elite (12 pitch) typewriter)

NON-HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No. SC 122822-01		Page 1 of 1	
3. Generator's Name and Mailing Address Global Recycling Center							
4. Generator's Phone ()							
5. Transporter 1 Company Name Global Recycling Center		6. US EPA ID Number		A. State Transporter's ID			
7. Transporter 2 Company Name		8. US EPA ID Number		B. Transporter 1 Phone			
				C. State Transporter's ID			
				D. Transporter 2 Phone			
9. Designated Facility Name and Site Address Buen Vista Environmental lot 9-1, 9-2 Tract 2411 Agmt		10. US EPA ID Number 17-032		E. State Facility's ID			
				F. Facility's Phone 649-0880			
11. WASTE DESCRIPTION				12. Containers		13. Total Quantity	
				No.	Type	14. Unit WL/Vol.	
a. Contaminated Soil						8 cu Yards	
b.							
c.							
d.							
G. Additional Descriptions for Materials Listed Above				H. Handling Codes for Wastes Listed Above			
15. Special Handling Instructions and Additional Information							
16. GENERATOR'S CERTIFICATION: I hereby certify that the contents of this shipment are fully and accurately described and are in all respects in proper condition for transport. The materials described on this manifest are not subject to federal hazardous waste regulations.							
Printed/Typed Name DANIEL CHU				Signature 		Date Month Day Year	
17. Transporter 1 Acknowledgement of Receipt of Materials				Signature 		Date Month Day Year	
18. Transporter 2 Acknowledgement of Receipt of Materials				Signature 		Date Month Day Year	
19. Discrepancy Indication Space							
20. Facility Owner or Operator: Certification of receipt of the waste materials covered by this manifest, except as noted in item 19.							
Printed/Typed Name Jim H. Matlock				Signature 		Date Month Day Year 12 28 02	

NON-HAZARDOUS WASTE

GENERATOR

TRANSPORTER

FACILITY



GUAM ENVIRONMENTAL
PROTECTION AGENCY
1973

GUAM EPA 127 6314 Marine Avenue, Suite 201, Hagåtña, GUAM 96901-2011
TODU'Y NIALAY TANO MAN UN, D'ALI DI TING I THINGAS ASONE



TOTAL AMOUNT \$ 4,500.00 DATE 12/13/22

ISSUED BY

AST FUND - FEES (HAZWASTE)

NP

TREASURER OF GUANT
C/O GUANT EPA

TO THE
ORDER OF

PAY FOUR THOUSAND FIVE HUNDRED ONLY

DATE 12/13/22

59-523/1214

1020

First Hawaiian Bank.

GLOBAL RECYCLING CENTER
PO BOX 14288

PO BOX 11792
TAMUNING, GUAM 96931

Security Features Included

Details on Back.

