



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

MAY 19 2026

Thomas Camacho
Member
CAM Properties, LLC
#341 Chalan San Antonio BLDG 3
Tamuning, Guam 96913

RE: Notice of Violation, Order of Compliance, and Administrative Penalty Order UST26-003,
Applebee's Restaurant, Tamuning

Hafa Adai Mr. Camacho:

You are hereby advised that this Notice of Violation/Order of Compliance/Administrative Penalty Order UST26-003 is being issued to Applebee's Restaurant.

The Guam Environmental Protection Agency (Guam EPA) is charged with the responsibility of implementing and enforcing the Underground Storage of Regulated Substances Act (USRSA), as amended, Chapter 76 of Title 10, Guam Code Annotated (GCA), Public Law No. 32-195, and the Guam Underground Storage Tank Regulations, Chapter 50 of Title 22, Guam Administrative Rules and Regulations (GAR).

The Guam EPA Administrator shall enforce rules and regulations governing UST design, construction, installation, release detection and inventory control, compatibility, record maintenance, reporting, corrective action closure, and financial responsibility in order to enforce this Chapter. 10 GCA §76104(d)

The Guam EPA Administrator shall issue and enforce orders necessary to ensure compliance with 10 GCA Chapter 76 and any rules and regulations enacted pursuant 10 GCA Chapter 76, including "- administrative penalty orders and orders requiring necessary or appropriate corrective action - ". 10 GCA §76104(g)

On March 30, 2026, representatives from the Guam EPA conducted an UST Inspection at Applebee's Restaurant located at #341 Chalan San Antonio BLDG 3, Tamuning. The UST inspection was conducted with your assistance to verify compliance with Title 10 GCA Chapter 76 and Title 22 GAR Chapter 50.



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 588.4751 | Fax: (671) 588.4531 | epa.guam.gov
ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANIÁLA'Á

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The compliance inspection started with an In-Brief discussion about the UST system and the reason for the inspection. A walk through of the area over the 600 gallon diesel tank, sump and fill point areas, to the emergency generator room, and to the automatic tank gauge (ATG) located outside the generator room. Inspectors then requested the facilities records of release detection for the UST system, any testing reports for the tank, piping, sumps, spill buckets, overflow equipment, and ATG certification. An Out-Brief of our findings was provided to you. The findings of the inspection determined the following deficiencies are the basis for this notice of violations.

NOTICE OF VIOLATIONS

Based on the deficiencies cited, Applebee's Restaurant is in violation of the following sections of Chapter 50 of Title 22 GAR.

1. "All UST system owners and operators must maintain records in accordance with § 50305 demonstrating compliance with all applicable requirements of this subchapter." 22 GAR §50406(a)
 - **Applebee's Restaurant failed to maintain records for the tank and piping release detection.**

2. "...owners and operators must conduct walkthrough inspections that, at a minimum, check the following equipment as specified below: (1) Every thirty (30) calendar days...Annually..." 22 GAR §50307(a)(1)(2)
 - **Applebee's Restaurant failed to maintain records of monthly walkthrough inspections for the UST system.**

3. "(a) Owners and operators of UST systems must provide a method, or combination of methods, of release detection that: ... Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions;" 22 GAR §50401(a)(3)
 - **Applebee's Restaurant failed to maintain their release detection equipment for proper operation.**

ORDER OF COMPLIANCE

Based on the violations cited above, Guam EPA hereby requires Applebee's Restaurant to perform the following corrective action to ensure compliance with 10 GCA Chapter 76 and 22 GAR Chapter 50:



1. Applebee's Restaurant shall submit copies of the release detection records to Guam EPA each month for the next three (3) months.
2. Applebee's Restaurant shall conduct periodic operation and maintenance walkthrough inspections in accordance with 22 GAR §50307. (See attached example checklist: Petroleum Equipment Institute Recommended Practice RP 900, Appendix A-2 and A-3). Applebee's Restaurant shall keep these checklist records on file.
3. Applebee's Restaurant shall bring their release detection method back into operation and compliance.

Nothing in this Order of Compliance limits the ability of Guam EPA to enforce any and all 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 § 76124 (a), hereby imposes an administrative penalty.

The maximum administrative penalty for Leak Detection and Record Maintenance is sixteen thousand dollars (\$16,000.00) for each tank for each day of each violation.

Applebee's did not maintain a leak detection system that identifies releases dangerous to human health and the environment, and did not maintain systematic and complete records to demonstrate compliance with 10 GCA Chapter 76. The Administrator hereby assesses a penalty of:

- \$4,192.00 for failure to maintain records for tank and piping release detection, in violation of 22 GAR §50406(a);
- \$2,087.00 for failure to maintain records of monthly walkthrough inspections, in violation of 22 GAR §50307; and
- \$2,087.00 for failure to maintain release detection equipment, in violation of 22 GAR §50401(a)(3).

You are presumed under the law to be able to pay the penalty under 10 GCA Chapter 76.

The penalty amounts are due and owing fifteen (15) calendar days from the date of receipt of this Administrative Penalty Order. The payment due date will be stayed 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.

NOTICE OF RIGHT TO APPEAL

You may file within fifteen (15) calendar days of the date of receipt of this Notice of Violation/Order of Compliance/Administrative Penalty Order, 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 for such an appeal. 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 Notice of Violation/Order of Compliance/Administrative Penalty Order is hand delivered or mailed to Guam EPA within fifteen (15) calendar days after the Notice of Violation/Order of Compliance/Administrative Penalty Order was personally served on you or mailed to you, Guam EPA may proceed upon the Notice of Violation/Order of Compliance/Administrative Penalty 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
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 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 and Verified Petition within the period specified above 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 upon the Orders without a hearing and without further notice to you.



Should you have any question(s) concerning the technical aspects of this letter, please contact the Hazardous Waste Management Program at (671) 588-4711/51.

Sincerely,



MICHELLE C. R. LASTIMOZA
Administrator

Enclosures: Notice of Defense
PIE Checklists

ecc: Mr. Carl Goldstein, USEPA Region 9, Guam Program Manager
Ms. Michael Cosson., USEPA Region 9, UST/LUST Program Manager
Mr. Glenn San Nicolas, Guam EPA, Acting Deputy Administrator
Mr. Richard Hart, Applebee's Restaurant, Owner
Chrono/HWMP file

