



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

Guam Environmental Protection Agency Board of Directors' Regular Meeting Thursday, December 19, 2024

MINUTES

- **Call to Order:** Chairman Steven Carbullido called the Board of Director's meeting to order at 4:00p.m. from the Guam EPA Conference Room. Roll call has been certified by Acting Board Secretary, Arlene Acfalle, as follows:

Board Members:

Chairman Steven Carbullido	- Present (in-person)
Vice Chairman Steve Carrara	- Present (in-person)
Director Steven Hollister	- Present (in-person)
Director Fran Castro	- Present (in-person)
Director Cathleen Moore-Linn	- Present (in-person)

Quorum has been established

Guam EPA Staff: Michelle Lastimoza, Arlene Acfalle, Kristan Finney, Nicole Diras, Jerry Aquino, Sierra Bettis, Julie Mendoza, Elizabeth DeGrange, Connie Afleje, Glenn San Nicolas, Romeo Zacarias
General Public: Vangie Lujan, Jennifer Cruz, Arlene Millard

- **Approval of Agenda:** Director Fran Castro made a motion to approve the agenda, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passes.
- **Approval of November 21, 2024 Meeting Minutes:** Director Hollister requested to include a sentence on page 5, paragraph 5 of the minutes to read "The Home Depot does take back smaller lithium ion batteries". Director Castro also asked to have page numbers indicated on the minutes.

Director Fran Castro made a motion to approve the November 2024 meeting minutes to include sentence as proposed by Director Hollister seconded by Director Moore-Linn. All voted in favor, zero (0) opposed and motion passes.

- **Consideration, Adoption, Modification or Rejection of Dieldrin Interim Action Levels** – Chairman Carbullido welcomed back AAG Kristan Finney and advised he spoke to AAG Finney after our last meeting in November. Chairman stated at the November meeting the board was informed that they could vote up or down on the proposed IAL as presented but noted that is not the full story. Chairman advised the board can amend the rules and that would be implemented if voted on and approved.



Because the board did the vote based off incomplete information the board could either rescind it or it becomes non-binding. AAG Kristan Finney chimed in on a couple of points raised by Chairman Carbullido. Ms. Finney stated to her understanding the board did already vote to approve the action levels. She stated the board can revisit the decision that was made for as long as it is 1) properly noticed and if nothing has happened, 2) reliance on the decision that was made 3) and that any changes have to be supported in the record as to why they're making an amendment or a new decision. Ms. Finney added the record that was provided to the board on how these rules were developed came from the subject matter experts (SME's) that came up with the most effective rule, the public comments and responses to those comments. Ms. Finney cautioned that if the board is going to do something different they need to make sure that it's based on something substantive that is also going to be part of that record. Director Hollister stated "other than good intentions". Ms. Finney stated we are going to presume that everything is done with good intentions but you have to have records to support the change. Ms. Finney also stated the boards concern is if they can make changes after the 45day comment period or a new 45day comment period was needed and advised we typically wouldn't need a new 45day comment period unless the changes to the rules change significantly however, we could have a new 45day comment period, as there is nothing preventing the agency from having one, but we wouldn't have to. Director Moore-Linn inquired on some examples of supporting documents such as from other states, national level or US EPA.

Director Casto stated the board received the IAL packet right before the board meeting. Director Castro also stated she asked during the last meeting why our responses were not provided to the individuals making comments and added that GWA wanted to give verbal testimony during the board meeting. Ms. Finney advised the board can provide GWA that opportunity and if based of their testimony the board feels they need to go back and make revisions they can. She added the board is may continue to consider it until they are ready to adopt them. Chairman chimed in to state that is the big change because the board was advised either they vote up or down or that's it. Ms. Finney advised also once the board adopts the rules, and wants to make changes later, it would restart the whole process which requires a new comment period Ms. Finney added once the board adopts the rules they would need a basis and follow the same process to amend it. Director Moore-Linn inquired would it have been arbitrary if the board was to change the 30day notification to 15day, 10day, or 24hrs. Ms. Finney advised it would have been because you want it to be based on something. Director Moore-Lin stated it was a lesson learned and for her during the last meeting she felt compelled to pass the rules because it felt like the public needed to have that notice.

AAG Finney also mentioned typically what happens is public comments are made and the agency reviews them (which is required) and they comment on those comments as part of their record but they don't typically go back to every person providing comments and provide a response. The burden on the agency to go back (if there were a large number of comments) and respond to every comment is not the purpose. It is not opening up a dialog, it's saying we did all this research, here is our rules, and the agency gets the input. The agency has to consider those comments and provide a response however they don't have to go back to each person who commented and provide the response.



Vice Chairman Carrara stated in the end the Board went through it and was satisfied that the levels needed to be implemented and was ok with that. He also stated he is not sure if the other board members feel the need want to revisit the prior approval.

At this time the Chairman allowed others in the conference room to provide comments. Ms. Vangie Lujan, GWA Senior Regulatory Analyst and Ms. Jennifer Cruz, Utility Administrator for GWA laboratory were in attendance. Ms. Lujan stated she understands that Guam EPA does not need to provide responses to their written comments but asked if the responses are published anywhere. Administrator Lastimoza advised our PIO is aware but is not sure if the comments have been posted on the website just yet.

Ms. Lujan requested for the board's reconsideration, that although GWA has some issues on how the IAL was done they more so have issues on the implementation of the rules. Specifically, because GWA has regularly provided the dieldrin data for the last 10 years, they would be the only PWS, after the monitoring plan is adopted, that would have to start providing notification to their customers as to the levels of dieldrin that is present in their water source. Ms. Lujan added GWA would like to be treated the same as all other PWS's and asked why are they separated from the other PWS's simply because they provided reporting data that is unregulated. The dieldrin data, although not required, was provided to Guam EPA since they had the data available. Ms. Lujan stated GWA would like the rule to be applied equally across the board to all public water systems. Chairman Carbullido inquired if GWA has been briefed on the responses to their comments in which Ms. Lujan advised, it has not.

Chairman Carbullido gave an opportunity for the agency, (Guam EPA) to respond. Ms. Juliana Mendoza of the Safe Drinking Water Program advised on the proposed IAL (Interim Action Level) for dieldrin there is an applicability that requires all current PWS that have historical data to be used towards monitoring and compliance if the IAL is passed and approved. Therefore, since GWA has the historical data the agency can use the data for monitoring and compliance. Ms. Mendoza added that the remaining PWS's that do not have the data will start immediately on a quarterly basis. Once the data is received the agency will calculate the running annual average like how we would calculate it for GWA. Ms. Mendoza advised if any of the wells exceeds the proposed action level the PWS is required to conduct either a Tier 1 or Tier 2 notification. Ms. Mendoza stated "rest assured that all of the PWS's will be on the same monitoring and with this proposed action level they will be required to submit data for dieldrin.

CAPT. Elizabeth DeGrange, Guam EPA Senior Scientist, inquired if the GWA wells that are in compliance will be moved to annual testing. Ms. Mendoza advised Guam EPA will have to review the data of 103 wells (correction by Ms. Lujan to 120 wells) and calculate the running annual average based of four quarters. This will determine which wells, based on the interim action level, will be placed on monitoring and compliance and for those wells that do not exceed the IAL the agency will place those wells on reduced monitoring. Ms. Mendoza also stated that all of the systems that have not collected samples for dieldrin will be put on a quarterly monitoring and once Guam EPA receives all four quarters the agency will calculate the running annual average and make a determination if they have exceeded the IAL. Ms. Lujan inquired as to why all the PWS's, including GWA, not starting at the date approved going forward. She stated just because GWA provided data that was not regulated and not required they have to start sooner than later and that is GWA's biggest issue. Ms. Lujan stated they want to be treated fairly and equally as all other PWS's. Director



Hollister responded to Ms. Lujan by saying they feel like they are being punished for doing the right thing. Ms. Lujan stated it is more so being consistent and mentioned that GWA gets water from the Navy water system but they are not required to do the Tier 1 or Tier 2 monitoring. Ms. Mendoza stated she understands their concern and also with dieldrin being unregulated. She added that whatever the contract is between GWA and Eurofins as far as the testing method for pesticides (which is the group dieldrin falls under) there is no additional cost. Ms. Mendoza advised the National Infrastructure Advisory Council (NIAC) reviewed the 10yrs of records received from GWA and it showed an incline of dieldrin in GWA's water system. The NIAC was in Guam 10yrs ago and GWA records indicated a detection of dieldrin. Now 10yrs later it shows a spike which prompted USEPA and NIAC to report its findings and advised Guam EPA that there is an issue with dieldrin in our water and we need to take a closer look at the trend.

Administrator Lastimoza addressed Ms. Lujan and asked if GWA is asking why the other PWS's are not testing for dieldrin. Ms. Lujan advised she knows it's because of the sampling method used by GWA which includes dieldrin although it was not required. Ms. Lujan stated GWA could have certainly blacked out the stuff that are not regulated but they decided to provide the data as is. AAG Kristan Finney inquired with Ms. Lujan if GWA is objecting having to potentially issue a Tier 1 or Tier 2 notice upon these rules being implemented. Ms. Lujan advised it's about fairness. Ms. Sierra Bettis chimed in to cite the regulation that states Guam EPA can use any monitoring data collected after January 1, 1988. Ms. Lujan advised they understand that she is just making a point that GWA will abide by the regulation and rules that are set in place but these are just some of their concerns.

On another issue, Ms. Lujan inquired on the disinfection sampling where GWA samples at the first customer within the distribution system instead of at the well especially on the areas that are of consideration regarding dieldrin. Ms. Lujan stated all those wells, before the distribution system, are all mixed therefore a well may have dieldrin in it but it does not necessarily mean that is the water that is being received by the first customer. Ms. Lujan stated that is their other concern and also wants reconsideration on the location of the sample taken and asked if that is an option for discussion. Ms. Mendoza advised dieldrin falls under pesticides and all of the IOC, SOC and VOC's, except for lead and copper disinfection byproducts, coliform and Ecoli, are required to be collected at the distribution system. Everything else has to be at the entry point to the distribution system and at no other location but that entry point. Ms. Jennifer Cruz wanted clarification that if these wells are combined into a reservoir, the reservoir will be the entry point so they need to collect samples there and see the levels. Ms. Mendoza advised just as long as it's well after the treatment. GWA needs to identify what is the entry point to the distribution system and where GWA is collecting all their SOC, IOC and VOC's, it will be the same sampling location which is the entry point to the distribution system. Ms. Lujan advised GWA will update their sampling location. Ms. Mendoza also advised to have it updated and submitted to Guam EPA for approval. Ms. Cruz stated because they have not updated their entry point, Guam EPA is considering the wells instead of the actual entry point. Ms. Lujan asked how it works if the data that Guam EPA is basing their decision is not the most recent data related to what GWA is truly monitoring. Ms. Mendoza advised Guam EPA is basing it off the data that has been submitted and reiterated the applicability requirement on the proposed IAL. Ms. Lujan stated that the sampling was for a different purpose when they collected that data and that GWA was not sampling at the entry point.



Chairman Carbullido chimed in and stated the scenario GWA pumps water from the wells and it enters into the reservoir but it's blended or diluted so the concentration of dieldrin theoretically will go down for as long as the other wells have less dieldrin than the wells that are relatively high. Chairman stated that will be the sample location which will trigger either a Tier 1 or Tier 2 notice. Ms. Mendoza agreed. Administrator Lastimoza asked if the data is coming from the distribution from that reservoir. Ms. Cruz advised GWA actually collects samples from the wells and not from the reservoir. Ms. Mendoza and Lujan both agree that it is not from the distribution system. For clarity Ms. Mendoza inquired when they say at the well, it's after treatment and Ms. Lujan agreed. Ms. Cruz stated in regards to the Tier 1 and Tier 2, GWA is concerned on what concentration the customers are receiving but Guam EPA is basing the concentration off one well which essentially they are not getting that concentration. AAG Finney chimed in and stated it sounds like GWA's issue is not with the rule as it is written but their concern is how they believe it's going to be implemented. Ms. Lujan advised that and where the samples are taken. AAG Finney advised when reading the proposed IAL it does state "at every entry point" so maybe this is a conversation that we could have outside of the board meeting. Chairman Carbullido agreed and VC Carrara added these comments should have been brought up at the public hearing.

Ms. Lujan asked for the opportunity to discuss two more comments. She stated other than the entry point and in discussion with Guam EPA, after we make the notification to be aware that dieldrin is in the water, one of the suggestions is that GWA tells their customers to go to a drinking water vendor. She noted that the GAC systems are costly and does not know if those machines get tested often. Ms. Lujan then asked what the responsibility is of Guam EPA since the water vending machines fall under public health (DPHSS). Administrator Lastimoza advised there were discussions about testing the vending machines after Typhoon Mawar weather or not it was more appropriate for Guam EPA to do the testing in addition to them being regulated by public health under their eating and drinking rules and regulations. It has not been decided if that is something Guam EPA will take on as an additional responsibility. Administrator also stated this would require new regulations for the water vendors and authority to inspect the machines which would overlap jurisdiction with public health. Ms. Mendoza advised for the record Guam EPA did training with the public health inspectors on how to perform the inspection and to determine if their treatment process is working. She stated they can tell if the GAC system, filtration, or UV is working before the end product and added that the water vending machine would be the best alternative to get drinking water if the water they are receiving exceeds the IAL. Administrator advised these water vendors rely on GWA's consumer report to say the water is clean at the inlet so if we subject these individual vending machines to the national drinking water standards, we subject them to the same testing that GWA performs. Administrator added the cost factor of thousands of dollars for 119 individual vending machines will be exorbitant for these individual water stations if Guam EPA chooses to take them on under our umbrella to be regulated. Ms. Lujan stated that Guam EPA is making this recommendation but we are not responsible for the frequency of the vending machines being inspected, monitored or tested.

Ms. Lujan went on to say that GWA has already moved forward with putting a GAC system for the wells that have a high dieldrin possibility and it is going to take them one year. Ms. Lujan stated in addition to dieldrin, lead and copper and PFAS all the other emerging contaminants that none of us knew about 5yrs ago, GWA is in the process of mitigating that and ensuring the water quality is safe for the people to drink. She stated if we could just work together in the implementation because once you start telling people that their water is not safe to drink it not only erodes the integrity of



GWA it also makes the public less confident about the other things they have to do and the talks of increasing rates. Ms. Cruz chimed in and added that organic compounds exceeding the MCL requires a Tier 2 public notification and stated dieldrin is an organic compound but requires a Tier 1 notification. She stated GWA would like to see it consistent with other federal standards where GWA is not required to do a 24hr notice like a boil water notice for example. Ms. Mendoza advised Guam EPA conducted its review with the national contingency plan and US EPA risk assessment guidance. She reiterated that the 0.5 ppm is a short term non-cancerous level that affects the liver and nervous system in children. Ms. Mendoza advised that a public notification needs to be issued within 24hrs to advise customers to obtain water from a vending machine or install a point of use in the water system. Ms. Lujan thanked the board for their consideration in hearing their concerns and stated GWA will comply with what the board decides but that there is a better understanding as to the Tier 1 and Tier 2, point of entry, data collected and consistency across all PWS's.

Chairman Carbullido asked what happens to the board decision during the last meeting and stated the board had voted based off incorrect information that nothing could be done with the proposed IAL. Administrator clarified in regards to the voting to approve it or disapprove the IAL, if the board was to disapprove the proposed IAL it would have restarted the clock again to do another action level. Chairman inquired if the vote stands from last meeting or does the board have discretion to revise it. AAG Finney reiterated that if the board wants to revisit their vote or make changes to the IAL she cautions the board to proceed carefully because they need to be sure they have their justification to support the change. Chairman stated his original point was the vote was based off certain information which has changed so the rationale towards the vote is different. Chairman stated to his understanding if a board acts on information that has changed then they are not bound to that vote. AAG Finney advised if all board members agree and vote to reconsider the decision made during last meeting then that's the decision however the agenda does not state the board will be reconsidering their previous action. Chairman stated in terms of the analysis, if the board has received different, incorrect or misleading information, or if statements provided were wrong, they can choose to reconsider. AAG Finney agreed and noted, as long as all board members agree. Administrator wanted to clarify that the board can choose to rescind their decision from last meeting? VC Carrara inquired if that would restart the whole process of implementing the regulations in which Chairman advised no, it would mean that the board will be where they were at last meeting. AAG Finney advised if the board voted to reject the IAL that would kick it back to the agency. Chairman stated the board will not be voting to reject it, they would continue to discuss as opposed to it being finalized from last meeting. Administrator asked again if the approval stands. AAG Finney advised the action was to approve the IAL and that is where it stands so if the board is going to undo that decision they can with justification. Chairman advised once the board votes to approve the IAL it becomes final however per discussion the board voted with misleading or incomplete information so that vote could change. Administrator Lastimoza advised nothing has changed and that the IAL was presented to the board several times. Chairman argued that the information provided to either vote up or down and becomes final and implemented immediately has changed. If the board knew they could revise it then that's what gets implemented immediately then that's one route, but if you can only vote it up then then is the implementation date for the other PWS's which is completely new information. Administrator reiterated dieldrin is not a regulated contaminant so Guam EPA does not have the authority to mandate PWS's to do testing and stated the information that was received by GWA is from the data collected during their monitoring.



Administrator stated GWA didn't have to but they did and the data shows a detection of a contaminant that we have to act on. Chairman inquired if it was island-wide in which Administrator and Ms. Mendoza advised no just for GWA systems. Director Castro mention Guam EPA stated all PWS's will eventually do testing so how is that different. Ms. Mendoza advised there will be no difference. Once the IAL becomes a rule then they will be put on a quarterly monitoring. Chairman asked when does the other PWS's have to comply with the Tier 1 or 2 notification. Ms. Mendoza advised if they exceed the IAL on the first round of testing. Chairman Carbullido stated this is what he meant by information changed from last meeting in which Administrator Lastimoza stated it has not. Director Moore-Linn chimed in and asked what does the board want to do moving forward. She stated board has several courses of action where the board can either make a motion to rescind the decision from last meeting or make another motion to kick it back to the agency to provide more information by next meeting. Administrator asked what exactly does the board wants changed or done. Is it to add additional conditions to alter the Tier 1 or Tier 2 requirements for notification? Chairman asked if the decision that was made during the last meeting become implemented if they should leave today's meeting or can the board still get answers to their questions regarding how other PWS's are going to be treated. Administrator advised if the board rescinds their approval then it would still be in limbo, but if the board wants to add revisions to the IAL then they would have to start over. Chairman stated, no the board does not have to and this would be a quicker route to get things into compliance. Administrator stated it is a change to what the public hearing was based on. AAG Finney advised the point of the public comments is to consider them and revise it if it is warranted by that input. She also stated the agency considered all the public comments and determined not to make changes to the document and to present it to the board without further revisions. Ms. Finney also stated the board could vote to reconsider what was done last meeting and make changes but reiterated that those changes have to be based on something and take a new vote. Administrator asked if changes can be made without a 45 day comment period. Ms. Finney advised it may not require another 45day comment period depending on the significance of the change. Administrator stated to change from a 29day notification to a 10 or 5 day notice is a significant notification revision. Director Moore-Lin stated moving forward what are the points of clarification that needs to be brought before the board again for reconsideration as Guam EPA and GWA are not aligned on a number of subjects. Ms. Finney advised it is possible that their needs to be further discussion between both agencies and not necessarily a board discussion on how the implementation will look like. Ms. Finney added if the board wanted to amend the document they can keep their decision as is, request for the agency to make the changes, come back to the board with the changes or justify to the board as to why they did something and if the changes needed to be made it would start the whole 45day process again.

VC Carrara stated from his understanding from the last meeting is that if the board didn't adopt what the standard was for dieldrin everything will still be in limbo and it would have allowed US EPA to come in and set that standard so it needed to be set whether or not it applied to other PWS's we can't unilaterally direct that but because GWA had the data it kind of put them first in line. VM Carrara added if there is a process in between, on a working level, to address the issues, he believes Guam EPA will be amendable to reconsider and that seems to be the biggest concern for GWA.

Ms. Lujan stated they're concerned because they are going to have to start the Tier 1 notification and if the rolling averages has been done so typically we could instruct GWA to start as early as tomorrow. Ms. Finney stated it sounds like their needs to be additional conversations in which VC



Carrara stated can be done outside of the board meeting revocation of the previous adoption. VC also stated if GWA it still unsatisfied they can also make a request for Guam EPA to change the regulations which is something that Guam EPA would put out for public notice.

Chairman stated what he is interested in is the date of implementation since it took Guam EPA a year to get to this point. He added if the board rescinded the vote and got everything hashed out the agency wouldn't have to do another 45 day comment period and it gets implemented quicker than one year if you were to restart the whole process which is the basis of what he is trying to say. Director Moore-Linn stated she likes the path forward where the decision remains in place and to unthread the needle (meaning to find a path through opposing views) the board will direct Guam EPA to have further discussions with GWA on the many issues that were discussed today and come back with some amendments for board decision. Director Hollister addressed Mses. Lujan and Cruz and commended GWA for providing the data and condemns the other PWS for not doing the same. Director Hollister added that there is nothing wrong with being first and doing the right thing and that we must be proactive which is what the board was thinking when they voted on the IAL because they wanted to get something done instead of doing nothing. He also stated it is our responsibility to protect the public by protecting the environment.

Director Castro asked since the board voted on it last meeting does that mean it's implemented immediately. Administrator stated based on GWA's comments where most new regulations are given 2yrs for implementation, and if we are looking for the start of the implementation, Administrator asked the board what they want implemented. Are they going to take GWA's recommendation for 2yrs from now? AAG Finney jumped in and stated the board already adopted the IAL and made a recommendation that GEPA and GWA continue to discuss and come to an understanding about how this implementation would look. Ms. Finney also added looking at GWA's comment about all PWS's starting monitoring at the same time and why Guam EPA is looking at the data taken from the wells which in not accurate and samples should be taken from the entry point based on the action level.

AAG Finney asked if the board wanted to amend the IAL. Director Moore-Linn advised she is in support of opening the door to an amendment. AAG Finney stated the changes would need to be supported where the Chairman stated that is where the board discussion was headed. Director Hollister asked why there is a difference between 24hrs and 30days notification. Chairman Carbullido stated in addition to that the information received was that the board couldn't have changed it. Director Hollister added the idea was we pass it as is because it was better to do something than nothing. Ms. Lujan advised the difference is the type of bacteria like Ecoli, a person would immediately know if something is wrong unlike other things where it takes sometime before it has an actual effect depending on the concentration of ingestion. Director Hollister asked if she would be willing to drink water from a well that has .2ppb for 29days in which Ms. Lujan advised yes because we have been doing it for years. Director Hollister said then we look at Guam with the high rate of cancer. Ms. Lujan stated we all want to protect the health of the community and GWA has been doing it even before knowing about any of this. She added GWA has taken action but they wanted to make ensure that they get treated fairly, that they are given enough time to respond and that the community is not going to start saying that GWA needs to be taken over by US EPA because they cannot produce safe drinking water.



Ms. Lujan stated it took a long time for GWA to get out of that and to a point where they are in compliance. She added PFAS and lead and copper is the next thing they are going to talk about which are all out of GWA's control. Ms. Lujan stated they want to be in compliance, as good partners, but they also want their interests and concerns to be considered because from what she is hearing none of the comments were considered. Ms. Lujan added they never had the chance to talk about it even during their monthly meetings with Guam EPA. She added it would have been a better partnership if Guam EPA would have sat down with the management of GWA (and all other water providers) and say here this is what is happening, how can we work together, and what do you see differently that needs to happen. Director Hollister stated GWA should have been present during our last meeting because all of these concerns would have been considered. Ms. Lujan acknowledged the fault on their part for not being present during our last meeting and thanked the board for hearing their concerns and in moving forward they look forward to working with the staff with the monitoring plan and implementation.

VC Carrara stated there are two options. One is to rescind and address the process and the other to move forward with the suggestion of AAG Finney that GEPA and GWA work together in revising the implementation plan. Director Moore-Linn inquired if the board can still amend the IAL. Chairman mirrored off VC Carrara comment where if the board choose to accept the decision from last month however if the board chooses to amend the rules it would take another 45 days to a year to bring it back to the board or we rescind their decision from last meeting and continue discussion. Director Hollister inquired if within that 1 year period would Guam EPA still be operating under what was passed to where Chairman Carbullido agreed. Administrator stated for point of clarification the Tier 1 and Tier 2 are national notification standards so in changing it there is no Tier 1.2 for example unless the board is creating a new Tier that is not standard. Director Castro stated maybe we are not creating a new Tier but instead delaying implementation until other PWS's catch up.

Director Moore Lin made a motion for the board to direct Guam EPA to communicate with all PWS's and to advise the board on implementation of the IAL for dieldrin seconded by VC Carrara.

Chairman Carbullido opened the floor for questions or comments.

Chairman Carbullido inquired if the implementation date will be based off last month decision and asked how it will work if the agency recommends another implementation date. Director Moore-Linn asked if the proposal stated a date. Director Castro noted page 3 #8. Notification Requirements on the draft risk assessment document:

Upon final approval of this proposed IAL, all Public Water Systems will be required to notify their customers in accordance with this IAL and the public notification requirements under the Guam Safe Drinking Water Regulations Subpart Q, 22 GAR §§ 6141.201 – 6141.299 as follows, with the exception that exceedances of the IAL for dieldrin will not be considered a "violation" as stated in the Regulations because there is no established maximum contaminant level (MCL): IAL Public Notice. Where monitoring data demonstrates that the IAL has been exceeded, public notification under the IAL will be considered a Tier 2 Public Notice, and must follow the relevant requirements of 22 GAR § 6141.203. Public notices must contain the mandatory notification language below. An IAL Tier 2 Public Notice template is attached. The Tier 2 Public Notice rules require that Public Water Systems provide the public notice "as soon as practical, but no later than 30 days after the system learns of the violation."



Ms. Mendoza advised the first step is to get the IAL approved. Guam EPA will work on the implementation guidance and work with each PWS's for the monitoring requirements. The monitoring plan needs to be submitted along with the sampling site which is the entry point, for approval by Guam EPA. Ms. Mendoza advised once it is approved Guam EPA will respond as to when the monitoring will start. Chairman inquired if the implementation date will be different for each PWS. Ms. Mendoza advised all PWS's will start at the same time but for the 5 other water systems that have not collected sampling data we are going to start them at the same time. Chairman stated the IAL will be implemented immediately upon approval but the six (6) different PWS's will each have their different date. Ms. Mendoza and Director Castro stated except for GWA because they have to submit their monitoring plan for approval.

Ms. Mendoza advised since GWA has the data Guam EPA will use the results from the current four quarters and calculate the running annual average. Chairman advised that is administrative which is different from policy and there is a disagreement that we have the data but not from the entry point. Ms. Lujan chimed in for clarification that the calculated 4 quarters will be for the monitoring plan and inquired when the implementation will be since Guam EPA already has their data from 2023. Ms. Mendoza reiterated that they will calculate the data and work with GWA on the implementation. Administrator also chimed in to clarify that Guam EPA can use the existing data to calculate the four quarters and to answer Ms. Lujan's question, once the calculations are done and if it exceeds the IAL (let's say the .5 / 24hr notice) GWA has to do it as early as tomorrow regardless of the monitoring plan because they have 4 quarters of data.

Chairman asked a question in regards to the motion stating we have one PWS present and let's say they exceed .5ppb (for example) PWS #1 has to comply with the IAL next week which is 24hrs. This was agreed upon by Ms. Mendoza. Chairman moved on to say PWS #2 who has to sample and asked if they have to notify when the results are received. Ms. Mendoza advised we need to have four quarters to calculate the IAL. Ms. Mendoza stated for example if they submitted reports for this quarter (Jan-March) and submit it in April, Guam EPA will have to wait for the 3 other quarterly reports to do the calculation, which is the standard, so notification will not take place till about January 2026. AAG Finney inquired if that was the objection of GWA that they have to notify immediately simply because they already sampled versus the other PWS where they still have to do samples and wait till January 2026. Ms. Lujan said this is correct.

Chairman inquired with Director Moore Lin if she is attaching with her motion to not reconsider last month's vote which she advised no it was not and thinks it should be a separate motion. Chairman clarified the motion is to direct Guam EPA to communicate with all PWS's and to advise the board on implementation of the IAL for dieldrin in which Director Moore-Linn advised that is correct, seconded by VC Carrara. All in favor and zero (0) opposed.

Chairman inquired with the Board on the topic of last month vote and asked if the board wants to reconsider it, clean it up or is the board ready to have the IAL implemented. Director Moore-Lin advised she is not ready to shorten the notification period or create another Tier until more information is provided. Director Hollister advised he was more focused on the reason for the 30days notification for the public. Director Moore-Linn advised is aligns with the national standard with other regulated contaminants and noted that we are on the leading edge with dieldrin, as an unregulated contaminant, along with other states.



CAPT. DeGrange chimed in and stated the differences are based on the risk profile that the toxicologist reviewed and stated the toxicology review said at the .2ppb level a longer exposure does not increase the risk of developing cancer to such an extent that the higher dose would. So the difference in Tier 1 and Tier 2 are those two values are based of risk profiles provided by the toxicologist.

Director Moore-Linn stated in the future if the board wants to amend the rules, when more information is provided, and it makes sense to come back and revisit it then we restart the process and hopefully have a quicker process but in the meantime this decision remains in place.

AAG Finney advised that this is the first time the board has considered an interim action level a law recently passed and after the law was passed this issue came up with the unregulated substance and everyone that was involved said we need to take some action.

Director Castro asked if we can keep the vote and defer implementation until all the discussions have happened. Chairman stated then the board would have to rescind last vote if we want to defer implementation. VC Carrara stated we are not deferring implementation the discussion will be how the regulations has passed and how it is to be implemented. Director Castro advised to her understanding once the board votes yes it is automatically implemented where VC Carrara said yes.

Chairman advised it seems like with majority of the votes that we are going to keep the decision from last month but he was going to go on record to say he thinks it's faster if the board rescinds it, continues discussion so that the other PWS's could possibly be notifying their customers.

Director Castro made a motion to rescind the previous vote (from the November's board meeting in regards to adopting the IAL of dieldrin as present by the SDWP in the Draft Risk Assessment Document) until Guam EPA and all PWS's gather more information or continue discussion.

CAPT. DeGrange asked if the board wanted to put a timeline on when to provide information. Administrator Lastimoza asked if the discussion is to have like a round table with the other PWS's and stated they did have the opportunity during the public hearing to provide comment but they didn't. Ms. Mendoza advised we had two informational hearing, two public hearings and documentation that the IAL was provided to each PWS. Administrator mirrored that comment and stated it was with the toxicologist who gave a presentation. Administrator added we can reach out again but they've had four opportunities to make comment on this IAL. Ms. Mendoza advised Guam EPA offered compliance assistance and worked with each PWS that if they had any questions on the document.

Chairman noted the motion was not to single out anyone or a specific company. Chairman advised Director Castro made a motion and asked for a second. No second was made, so the motion is not considered.

Chairman advised we won't be going through the rest of the agenda and asked if the board is ok with tabling it till next meeting. VC asked if there are any major NOV's to report. Administrator advised none but did mention that our Operations building did get broken into.



New Meeting Date/Adjournment: Next meeting was set for January 16, 2024 at 4pm. Director Fran Castro made a motion to adjourn the meeting and seconded by Director Moore-Linn. All in favor, zero (0) opposed, and regular meeting adjourned at 5:53pm.

Arlene M.S. Acfalle
Acting Board Secretary

