



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, February 20, 2025**

MINUTES

I. Call to Order: Chairman Steven Carbullido called the Board of Director's meeting to order from the Guam EPA conference room at 4:02pm. Roll call certified by Board Secretary, Arlene Acfalle, as follows:

II. 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 Danny Taitingfong	- Not present
Director Cathleen Moore-Linn	- Present (attended virtually)

Quorum has been established

Guam EPA Staff: Michelle Lastimoza, Arlene Acfalle, Connie Afilleje, CAPT. Elizabeth DeGrange, Glenn San Nicolas, Romeo Zacarias and Malia Tom

General Public: Ariana Millard

III. Approval of Agenda: Vice Chairman Carrara made a motion to approve the agenda, seconded by Director Castro. All voted in favor, zero (0) opposed and motion passes.

IV. Approval of January 30, 2025 Meeting Minutes: Director Castro made a motion to approve the January 30, 2025 meeting minutes, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passes.

V. Administrator's Report - Provided by Administrator Michelle Lastimoza

ADMINISTRATIVE:

Personnel:

- As of 02/19/2025: **56 FTEs** (Full-Time Equivalent)
 - Classified – 47
 - Unclassified – 3
 - LTA - 4
 - USEPA Contract – 1
 - Interns - 1



Recruitment:

- Recruitment announcements closed, waiting on certification packets from DOA
 - Chief Engineer
 - Environmental Inspector Supervisor
 - Environmental Technician
 - Environmental Health Specialist III (x2)
- Pending recruitment
 - Public Information Officer
 - Environmental Health Specialist I (x1)
 - Environmental Health Specialist II (x2)
 - Engineer Supervisor
 - Engineer I (x3)
- New Hires
 - Biologist supposed to start January 21, 2025, declined the position the day he was to start. Will re-recruit this position

Agency Headquarters:

UPDATE: Negotiations still in progress - no contract signed at this time, no other details available

POLICY:

Bill 35-38 AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 32, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO PROHIBITING THE IMPORT OF SKINCARE PRODUCTS THAT POSE A DANGER TO GUAM'S CORAL REEFS AND MARINE LIFE

- Guam supportive of any measure where reasonable action is taken to protect the coral reefs in Guam.
 - Guam EPA informed the Legislature that the authority and enforcement of sunscreen lies with the Department of Public Health and Social Services (DPHSS) Division of Environmental Health's (DEH) Consumer Commodities Program. Title 10 (Health & Safety) Division 2 – (Environmental Health) Chapter 40 – Guam Food, Drug and Cosmetic Act (Guam FD&C).
 - The Guam FD&C (as well as the US Food and Drug Administration (FDA)) regulates sunscreen as an over-the-counter drug. DEH enforces the importation, safety, and sale of these products.
 - Guam EPA is not delegated to enforce the FD&C
- Moreover, we recommend that studies specific to the concentrations of these chemicals in Guam waters be evaluated

BILL 57-38 AN ACT TO STRENGTHEN HOUSING OPTIONS BY ADDING A NEW SUBARTICLE 3 TO ARTICLE 1 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE CONSTRUCTION OF ACCESSORY DWELLING UNITS (ADUs) IN RESIDENTIAL ZONES

- The Guam Environmental Protection Agency (Guam EPA) is supportive of any measure that provides an increase in the supply of affordable housing. ADUs all have the potential to



increase housing affordability (both for homeowners and tenants), create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing systems in established neighborhoods

- Guam EPA wants to ensure that the construction of ADUs do not increase the density of septic systems within Guam's Groundwater Protection Zone (GPZ)
- Guam EPA will provide written testimony

PROGRAMS/PROJECTS/PARTNERSHIPS:

Camp Blaz Tour – Sponsored by the Guam Contractor's Association

Non-Point Source (NPS) Program's Work Plan

- Program maintains a high quality environment by protecting Guam's waters, special aquatic areas, and wetlands from chemical, physical, and biological impacts and other types of impairments
- Program Review 5-year plan

Governor, Joint Region Marianas Civil-Military Coordination Council (CMCC)

- The CMCC fosters collaboration among the DoD, local government, and federal agencies to share information, discuss, and provide recommendations for construction activities for the U.S. Marine Corps relocation to Guam.
- These meetings have expanded to include all DoD items of interest and military construction on Guam.
- DoD personnel provided updates to various military projects throughout the island. Various working groups continue to pursue goals set by the CMCC.

Permit Process "Class" at Guam Contractor's Association

- Met with local companies wanting to learn about the permitting process
- Discussed Guam EPA's process

EPA Region 9 Enforcement & Compliance Assurance Division Visit – February 2025:

- EPA Region 9 ECAD was in Guam to perform drinking water monitoring testing at four public water systems: GWA North, Guam Plaza Resort & Spa, Guam International Airport, Guam Regional Medical City
- The testing is funded by the remainder of US American Rescue Plan
- Monitoring testing is focused on sampling and analysis of the fate and transports of PFAS and pesticides which may be impacting water customers
- About 400 samples collected
- USEPA conducted training on the Lead and Copper rule and Fall Protection certification

Working Group for Construction on New Hospital

- Guam EPA continues to provide technical support



32nd Pacific Islands Environmental Conference (PIEC) – June 9 -13, 2025

- Hosted and held in CNMI
- Sabrina Cruz-Sablan is our GEPA representative
- Topic proposals (presentations) for consideration for the PIEC in Saipan due March 6, 2025.

GEPA GPA Engagement Meeting – LNG Pre-Development

- Discuss GPA’s feasibility of proposed development and procurement of liquefied natural gas (LNG) infrastructure under the EPCM contract for the Ukudu Power Plant
- Currently, the Guam Power Authority (GPA) is completing the construction of the 198 MW Ukudu combined cycle power plant
 - Designed to operate on diesel fuel or natural gas.

Homeless Encampment Clean Up – March 25

- Chalan Pago village

EIS for the Enhanced Integrated Air & Missile Defense System to CDLO – February 19:

- The purpose of the meeting was to provide an opportunity to address substantive and critical comments from the agencies as mentioned in their write-ups.
- Comments were relative to how each missile defense site would manage waste water on site, munitions disposal, Clean Air Act compliance for standby and prime power hazardous waste management and fire suppression systems.

PERMIT ACTIVITY: January 13, 2025 – February 14, 2025

PERMIT TYPE	APPLICATIONS*	ISSUANCES**	HOLDS***
Building Permit Clearance		32**	0
Clearing/Grading Clearance		7**	0
Occupancy Clearance		18**	0
Underground Injection Control Permit		3**	0
H2B Clearance		12*	0
Well Operating Permit		0	0
Well Abandonment Permit		0	0
Well Drilling Permit		0	0
Test Boring Permit		3**	0
Application Review Committee Review		1**	0
Aboveground Storage Tank (AST)		5**	0



Underground Storage Tank (UST) Permit		31**	0
Fumigation Permit		1**	0
Solid Waste Management Permit		4**	0
Wastewater Collection Permit		2**	0
HEP (Highway Encroachment Project)		2**	0
TOTALS		121**	0***

*Applications received between January 13 - February 14, 2025.

**Includes approved permits and clearances granted to applications submitted prior to January 13, 2025.

***Includes permit and clearance holds applied to applications submitted prior to January 13, 2024.

VI. SO2 STATE IMPLEMENTATION PLAN (SIP) REPORT

- Update provided by CAPT. Elizabeth DeGrange, Guam EPA Senior Science Advisor – CAPT. DeGrange advised on December 19, 2024 US EPA issued a formal finding of non-attainment for the Piti Cabras area in regards to sulfur dioxide emission. In 2020 the initial finding of the non-attainment and Guam EPA was supposed to bring it back into attainment by 2023 and demonstrate that we are back in attainment and provide a State Implementation Plan (SIP). The rule making on the new source review rule with the SO2 emissions specifically was supposed to be done by April of 2024 but due to staff transitions that didn't happen. CAPT. DeGrange advised we are now near completion and we are 99% certain that we have all the documentation we need to send to US EPA for the rule making. Hopefully we will get that submitted next week and uploaded via SPECS which is the electronic system so we don't have to produce three copies of everything for shipping. CAPT. DeGrange added our last hurdle is we are waiting on some data from GPA as we are not able to find the old reports that were submitted to the agency. The agency has been nudging GPA so we are hopefully to get the data in the next couple of weeks. CAPT. DeGrange advised once we receive the data Air Program staff, Reid Aguon and Tasi Castro, should be able to plug in the data as the spreadsheet has already been created. CAPT. DeGrange stated once the data has been completed the agency would then do a 30 day public comment period. Once that is done the agency will submit packet to US EPA for review and approval and hopefully we will have an approved SIP by July. If we are not able to attain that, US EPA has a court mandated requirement to provide a Federal Implementation Plan (FIP). The draft FIP would need to be completed by September 3, 2025 to be reviewed and implemented by February 2026.
- Director Castro inquired what if GEPA does not get the data from GPA. CAPT. DeGrange stated we need to find some annual reports from 2023 to obtain the run-hours for some units. CAPT. added that we have been receiving piece meal information from GPA. CAPT. added they verified that for the rule-making new source requirement and the SO2 emissions rules that was passed in 2022-2023, they have been using Ultra Low Sulfur Diesel (ULSD) which is one of the requirements. CAPT. stated we know that the emissions have gone down we just need to discreetly show what they actually are for that particular plant.



- VC Carrara asked if the plant will still be used as a backup once the new plant becomes operable. CAPT. deferred to Mr. Glenn San Nicolas where Mr. San Nicolas advised that the shutdown of Cabras 1 & 2 is delayed and there is also the Ukudu power plant that is trying to get online. CAPT. DeGrange stated we know that they are only burning ULSD which is already an improvement to what they were burning in 2020.

VII. Board Questions and Comments

Chairman Carbullido opened the floor for questions and comments.

- **Permitting:** Director Castro inquired if we only have one staff that has access to the permit data. Administrator Lastimoza advised everyone in the Agency has access, but it is only one staff member's responsibility to track the applications that are submitted. Administrator advised the permit program used to be a three man operation, but the Agency is now down to one. Mr. Glenn San Nicolas noted that other agency staff are now helping cover and assisting with receiving and issuing permits so we can continue with the permitting process.

Vice-Chairman Carrara inquired on how the conference with the Guam Contractor's Association went. Administrator Lastimoza advised it went well and noted there were a lot of inquiries as to why the permit process is slow in which she advised a lot of the times the permit application is not complete or supporting documents are not submitted. Administrator added that a lot of times it's "miscommunication" where the individuals are told it's with Guam EPA but when we check our database it has not even been submitted. Administrator advised in the end there was a better understanding and she made it clear that the Guam EPA is here to work with all the contractors and we are not here to be adversarial or to hold up any projects.

Director Hollister also inquired if the permitting process/application is bilingual in multi-languages. Administrator advised the application is in the English language. Director Hollister stated he feels like that is a problem too because when he speaks to contractors they don't understand English very well and it seems to him that is their way of getting out of following the regulations. Administrator Lastimoza asked Director Hollister if he would like to see the permit application in other languages. Director Hollister said yes, if it is going to help the contractors do what is right. CAPT. DeGrange chimed in stating another option could be to have some instruction on how to complete the permit application in other languages rather than change the application. Chairman inquired with Director Hollister if he was referring to a contractor having issues with the building permits not being in English.

- **Water Samples:** Director Moore-Linn chimed in to inquire when the agency will receive feedback on the water testing/samples taken by Region 9. CAPT. DeGrange advised it would take 3 to 4 weeks give or take.



- **Bill 57-38:** Director Hollister inquired if the agency will be supporting Bill 57-38. Administrator Lastimoza advised we are supportive of development we just have to be responsible and added there are provisions in the bill which says that anyone applying to construct an ADU has to complete all environmental requirements. Administrator noted if someone wanted to build an ADU on their property and the existing septic tank is undersized the agency will require that they replace and upgrade the septic tank. The upgraded septic tank will then be subject to the new regulations. Administrator stated there are provisions in place to meet environmental requirements but at the same time there is language that also contradicts with the Toilet Facilities Act in regards to septic tank requirements. Director Hollister inquired if the mention of building a 1600sq foot house is accurate. Administrator stated it gave four (4) categories which will be in phases and depending on the lot size, that would determine how big the ADU could be. Director Hollister inquired if this could be done above the aquifer. Administrator advised the regulations that were passed allowed for four units per acre or one unit in every quarter acre so long as it had a type four nitrogen reducing system. But the way the bill reads is you can have a detached ADU which would mean eight units. Administrator stated, but again this is all subject to environmental regulations. Director Hollister stated this would mess with the aquifer and mentioned protesting against the bill. Administrator advised this is the concern that the agency will address in their written testimony.

Director Casto inquired on the hearing date for Bill 57-38. The Administrator advised it was yesterday, February 19, 2025. AAG Kristan Finney stated that the agency wasn't particularly invited; the Administrator noted she was not neither invited nor notified of the hearing.

Director Hollister asked that this topic be placed on the March agenda for discussion. Administrator advised she can send the written testimony to the board once it is finalized. Director Hollister stated GEPA is supposed to be protecting the environment and certain conditions in the Bill are not allowing the agency to do so resulting in putting the future of Guam and its environment in jeopardy. Administrator advised that is the agency's concern as well. VC Carrara advised there was a comment online that testimonies can be made 7 days after the public hearing which would be February 27th. VC Carrara inquired with the board members if they should provide some guidance to the agency as to the board's position on the legislation. Chairman Carbullido stated if the board was to discuss/collaborate/vote its position on the bill, it should be on the agenda for the public to be aware. AAG Finney confirmed that the Chairman's statement was correct. Director Castro inquired if the board members can submit their own testimony as an individual in which Administrator advised yes they can.

AAG Finney advised the public hearing on Bill 57-38 already happened and stated that the Administrator is intending to provide testimony. Ms. Acfalle noted Ms. Ariana Millard posted a message on the chat room that written testimony can be submitted up to 7 days after the public hearing. Administrator inquired with Kristan if the board would submit comments as individuals or as a member of the board. AAG Finney stated that the board has not made any decisions in regards to the bill. Chairman mentioned a director's statements would be made as an individual, but if it is as a statement from the board, it will be discussed at a future board meeting. VC Carrara inquired if the legislature is supposed to solicit the board's input on this matter. Administrator Lastimoza



and AAG Finney both advised they are not sure if they are required to solicit input from the board. AAF Finney added the legislature often invites an agency to provide testimony if it involves that particular agency. VC Carrara recalled when they addressed the law last year affecting the land over the aquifer the board was specifically requested to provide their thoughts on that. VC Carrara stated he thought it was a requirement as opposed to a best practice but he could be mistaken. Director Castro stated she does not think it is required. Director Hollister inquired as to why they did not invite the agency / Administrator to the public hearing. Administrator advised she normally receives a notification and stated the public hearing was actually postponed but didn't get any notification after that.

Director Castro inquired if the board is able to meet with the committee to have a round table discussion. AAG Finney stated if the board had discussed it and had their board position on the matter otherwise the board members need to be careful when speaking for the board as their position as a board member. AAG Finney added she is uncertain of the policies with board members speaking to the committee or legislature.

Director Castro stated there should be a Boards do's and don'ts training. AAG Finney recalled there was a training provided. Chairman Carbullido stated the question was can the board meet with the senators together or does it have to be an open government meeting. AG Finney noted there are some exceptions to the Open Government Law, such as informational meetings that the board can attend together without running into an Open Government issue. AG Finney added when the board is getting together as a board and deliberating towards a decision that has to be done in public. Chairman stated it sounds like if it's just listening then we could but if it's the board deciding what they want to do then maybe not. AAG Finney advised if the board has a particular position on something that they wanted to express then the board would meet together, form a resolution or something expressing their position as a board and again before that is done we would need to inform the public on what the board is going to do. Director Casto said she would like to revisit the board policies and inquired where to find it. Ms. Acfalle advised she will send the 5 GCA Chapter 43 Board & Commissions section of the Government Operations via email. AAG Finney also stated she will go back and look for any guidance that was issued to the boards.

- **Board Training:** Chairman asked that the board secretary look into all board member's training to make sure everyone is up to date. Board Secretary advised all board members ethics training is current. AAG Finney advised in the past there was training specifically for the Boards aside from the Ethics training. Administrator stated we will verify with Boards & Commissions. Director Castro advised when she first started she came in cold and just carried on with discussions and reading our material.
- **Hazwaste in the Media:** Administrator Lastimoza advised of the article in the paper regarding the 80 drums of hydrochloric acid, delivered to a Dededo residence, have all been delivered and the property is cleared. Administrator advised that although the agency received the information on Tuesday, February 18th our Hazwaste Program had already gone out to the property the Thursday prior. Glenn added that the inspection was conducted and our Hazwaste team was working with the alleged violator. Glenn stated it was kind of tricky because it was hazardous material and not hazardous waste that was stored in a residential area.



- **New Topics:** Director Hollister made a suggestion that after the public comment section on the agenda if we could add a line item “Topics for next meeting”. Chairman Carbullido and AAG Finney both agreed that whatever the board wants discussed for next meeting can be stated. Director Hollister advised he wants to discuss the agency’s enforcement process because he drives around the island and sees a lot of things going on and is wondering how people are getting away with it and why it’s not listed as an NOV. Chairman asked if Director Hollister if there is a particular NOV that is not listed. Director Hollister advised he mentioned it during last meeting. VC Carrara chimed in to say he thinks what Director Hollister is trying to say is he thinks that what he sees should be an NOV that’s not reported but it might have been an issue that has been already resolved and not resulting in a violation. Director Hollister confirmed he wants to talk about the enforcement process.
- **RRF Regulations:** Director Hollister stated he also wants to discuss the RRF Regulations as he thinks it has lapsed. Chairman Carbullido and Administrator Lastimoza both advised it has not lapsed and it has been updated in 2022. AAG Finney inquired with Director Hollister if he wanted to propose new regulations to the RRF or discuss the existing one. Director Hollister advised the existing regulations.

NOTICE OF VIOLATIONS

- Chairman asked if there were any new NOV’s to report. Administrator Lastimoza and Glenn San Nicolas advised there are no new NOV’s to report. Chairman inquired if there was anyone tasked to address the NOV’s on the website. Glenn advised our IT tech has been assigned to do that after Nic’s departure and added the staff are working on compliance for a lot of the NOV’s that are still open as fees/penalties are calculated based on completion date. Glenn advised so far there have been no appeals to the board as the agency has been working with the violator at their level for compliance in terms of clean-up. So we are just waiting for completion dates so we can calculate costs.
- Ms. Arlene Acfalle updated that a lot of the current NOV’s belong to our water division and noted that the agency’s IT tech can only update what she receives and in order to close out the NOV’s and noted a return to compliance needs to be issued.
- Ms. Acfalle also updated that Tri-Star paid their \$6,700 penalty fee, a Return to Compliance was issued and updated on Guam EPA website.
- Chairman Carbullido inquired if the NOV’s that were issued over the last five years will be closed out. Ms. Acfalle mentioned the agency needs to issue the Return to Compliance (if it has been resolved) and then we can update the website. Glenn advised the agency will take care of closing out the NOV’s that have been completed.

RECYCLING REVOLVING FUND / MCOG PROGRAM

- Chairman inquired if the MCOG are good with their close-out reports. Ms. Connie Aflleje advised the Executive Director of MCOG is working closely with DOA on the close outs. Connie also added it’s going to take longer than normal because they have to go back and forth from the AS400 and



the new system. Connie updated the latest close out was FY2021 and Ms. JoyJean Arceo is having her staff work on closing out FY2022.

Chairman Carbullido also inquired if the MCOG cleanup program written this year allows them to rollover funds. Connie stated because of the system she is not able to see what they have expended. Connie added she has been working with our recycling officer, Sabrina Cruz-Sablan, to do periodic checks with the mayors to see where they are at as far as balances and expenditures. Chairman stated the MOA was recently signed and it sounds like there hasn't been hiccups in the program yet. Connie advised MCOG has received their money already so any hiccups would be on their part as far as generating the PO's.

New Meeting Date/Adjournment: Next meeting was set for March 20, 2025 at 4pm. Director Castro made a motion to adjourn the meeting and seconded by Director Hollister. All in favor, zero (0) opposed, and regular meeting adjourned at 4:59pm.

Arlene S. Acfalle
Board Secretary

