



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAŇ PRUTEKSIÓN LINA'LA' GUÁHAN
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 14, 2023**

MINUTES

- **Call to Order:** Chairman Carbullido called the Board of Director's meeting to order at 4:08p.m from the Guam EPA Conference Room. Roll call was certified by Acting Board Secretary, Arlene Acfalle, as follows:

Board Members:

Chairman Steven Carbullido	- Present Guam EPA Conference Room
Vice Chairman Steve Carrara	- Present attending virtually and in-person
Director Steven Hollister	- Present Guam EPA Conference Room
Director Fran Castro	- Present Guam EPA Conference Room
Director Dave Duenas	- Not present
Director Danny Taitingfong	- Present Guam EPA Conference Room

**Quorum has been established.*

Guam EPA Staff: Michelle Lastimoza, Nic Lee, Arlene Acfalle, Connie Afilleje, Roland Gutierrez, Juliana Mendoza, Jerry Aquino, Nicole Diras, Cris Gamboa, Ray Cruz, Sabrina Cruz-Sablan, Sierra Bettis, CAPT. Brian Bearden (virtually), Glenn San Nicolas, Margaret Aguilar (virtually)

General Public: Samuel Atazadeh

- **Approval of Agenda:** Director Castro made a motion to approve the agenda, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passes.
- **Approval of September 21, 2023 Minutes:** Director Hollister made a motion to approve the meeting minutes with correction to the last paragraph on page nine (9) when all voted in favor of motion in the last meeting except for Director Hollister due to a power outage and he lost connection and did not vote. This was seconded by Director Castro. All voted in favor, zero (0) opposed and motion passes.
- **Administrator's Report** - Provided by Administrator Michelle Lastimoza



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Administrative:

Personnel:

- EHS Supervisor certification list received from DOA – Interviews for two (2) positions are forthcoming
- Two resignations: one in Permitting and one in Pesticides.
- Five new employees added: Four Environmental Health Specialists and one Environmental Inspector:
 - Water Division gained inspector and one EHS
 - PEP gains one EHS
 - EMAS gains two EHS
- USPHS officer under federal IPA will start with Agency on May 1, 2024
 - CMDR Elizabeth DeGrange will serve as a senior science advisor and subject matter expert to the Guam EPA Administrator to guide capacity development initiatives, environmental policy decisions, program development, grant management and organizational structure.
 - Will be reporting to the EMAS division
- Agency making progress with Civil-Military Coordinating Council (CMCC) for personnel support for Guam EPA
 - DoD liaisons requested for assistance with mil-con project permit reviews - up to three liaisons may be available in 2024

Budget/Procurement:

- Agency was approved for CAT A: Debris Removal and CAT E: Agency contents which allows reimbursement in the amount of \$26,240.35 combined.
- We are still finalizing CAT B - Protective Measures reimbursements
- Agency targets end of January as a date to satisfy operations building arrears with GALC

Agency Headquarters:

- DOI issues authorization to proceed with phase one of the process: architectural and engineering design and NEPA scope of work to prepare for phase two.
- \$1.2M earmarked for Phase 1

EPA Region 9 Visits

- Karen Ueno, November 6 – 10:
 - For work related to the Ordot Consent Decree, seeps and SEP report
- Carl Goldstein and CMDR Elena Vauoli, December 5 – 14:
 - Working with agency on criteria, reporting requirements and compliance with grant conditions
 - Priority reporting due to US EPA is accomplishments achieved by the agency for FY23 end of year reporting - with highlights

Policy:

Bill 175-37: Act to amend the Toilet Facilities and Sewage Disposal Act codified in 10 GCA Chapter 48 – Introduced on September 27

- No hearing set at this time
- Agency will not support the bill as introduced because some of the provisions in the proposed bill are contrary to the Agency's position on balancing residential development and groundwater protection:
 - Use of Type 4 advanced nitrogen-reducing onsite sewage disposal systems on unsewered properties over the Groundwater Protection Zone should be limited to



parental and decedent lot owners who wish to develop homes on properties not smaller than ¼ acre - HOWEVER, the proposed bill opens it up to ALL properties, and allows Type 4 use for parental and descendant lots down to ¼ acre.

- Interim permitting authority over Type 4 and holding tanks should remain in effect until the Agency successfully promulgates rules and regulations - NOT be limited to 12 months.

Bill 171-37: An Act to Increase fines for Substantial Littering on Guam

- Agency presented oral and written testimony on November 16, expressing:
 - Logistical challenges in immediate implementation of the bill without a calibrated weight scale
 - Suggested that volume remain the unit of measure as opposed to the proposed weight-based unit
- Defines “Substantial Littering” as litter with a gross weight equal to/greater than 20lbs
- Litter citations issued for litter not considered significant remain the same: \$200/\$300/\$500 for first thru third offenses and beyond
- New fines will be issued for littering which meet/exceed the definition of substantial littering:
 - \$1,000 for litter weighing 20lbs., up to 100 lbs.
 - \$5,000 for litter weighing greater than 100 lbs., up to 5,000lbs.
 - \$10,000 for litter weighing greater than 5,000 lbs, and an additional \$10,000 for each 1,000lbs. above 5,000 lbs.
 - Fines may be converted to community service by taking the fine dollar amount and dividing it by \$12 (Fine ÷ \$12.00)
- Violators responsible for fine and cleanup costs
- Fines will be deposited into the Litter Control Revolving Fund

Bill 165-37: Establishing GSWA Universal Garbage Collection Plan

- Agency presented oral and written testimony on November 16, expressing support for the bill
 - Based on Guam’s Integrated Solid Waste Management Plan, the bill would support our plan initiative which states “Implementing island-wide mandatory residential collection that requires all residents to sign up and pay for curbside waste and recycling collection.”
 - The Agency believes that littering and illegal dumping will decrease as more residents subscribed to trash collection services increases
 - MSW, bulky waste, white goods and recyclables are commonly found in our illegal dumping case investigations - and these items can be disposed through GSWA
 - In general, the bill requires residential homeowners to sign up for trash service with GSWA if they don’t get their garbage collected by a private company

Programs/Projects/Partnerships:

Administrator Attend Islandwide Beautification Task Force Meeting – Sept. 26

- No significant updates beyond the expenditures from the MCOG’s IECF

2023 Disaster Preparedness Senior Leadership Seminar – Sept. 29



- Agency spoke about the accomplishments and challenges associated with Typhoon Mawar emergency and recovery response
- Attended by GovGuam and federal government officials

Agency Participates in GHS/OCD National Preparedness Month 2023 – September 30

- Held outreach event to share information on brownfields program and household hazardous waste handling and disposal at Agana Shopping Center

Agency Participates in Guahan 2050 Sustainability Plan Development Survey – October 3

- Agency administrator fields questions about the island's future sustainability goals with BSP's contractor Lykner

Agency Assists GDOE with Lead Water Analysis – October 3

- Meeting was held following media reports which revealed that two (2) water samples taken from one (1) tap at Juan M. Guerrero Elementary School and one (1) tap at Machananao Elementary School were in exceedance of US EPA's action level of 15 parts per billion (ppb) for lead concentration in water in a public water system.
- Agency visited both schools and met with GDOE officials to perform assessments and to make preliminary evaluations to assist school officials with determining the likeliest sources of lead contributing to levels above 15 ppb in their samples.
- During Guam EPA's visit to the affected schools, Agency SDW personnel inspected sink fixtures for lead-free certification compliance and observed that copper piping is used to supply water to taps which sampled above US EPA's action level. Agency SDW personnel were unable to verify lead-free certification for some fittings such as angle valves at both schools, and one other faucet at Juan M. Guerrero Elementary School.
- Agency provided GDOE with a guidance manual produced by the US EPA which contains recommendations on how to address lead found in drinking water in schools and childcare facilities through training, testing, and taking action. Guam EPA has directed GDOE's attention to recommended immediate, short-term, and permanent actions that should be taken in response to the sampling results.

Ordot Consent Decree Hearing – October 18

- Judge orders SEP completion report to be filed within 60 days - Agency will submit a draft report to R9 on December 18.

SWFR Grant Kickoff Meeting With EPA Region 9 – November 3

- Guam received \$572,065 from Solid Waste Infrastructure for Recycling Grant Program
- Money will be used to promote residential composting
- Kickoff meeting discussion points included subawarding, reporting requirements and data collection requirements
- Pending action items: Follow-up meeting regarding budget and supplies on Dec. 18, official notice to sub-recipient to proceed and MOA draft for agency and sub-recipient

Proclamation Signing Ceremony Held in Honor of America Recycles Day through Guam Recycles Week – November 13

- Guam reports a recycling rate of 38.2% - up 8.99 percentage points from 2022 report
- This year, US EPA included a new metric based on Guam's recycling efforts called "Waste Reduction Model (WARM)," which estimates our greenhouse gas emissions reduction based on recycling activity.



- WARM metrics for Guam: over 25,000 gasoline-powered vehicles driven for an entire year, or over 4.9 million bags of waste diverted from the landfill

Agency Issues Solicitation for Marine and Surface Water Data Collected Between Jan 2019 and December 2023 – November 13

- Data collected from January 2019 through December of this year will be used to comply with biennial reporting requirements for water quality standards, and listing impaired water bodies under Section 305(b) and 303(d) of the Clean Water Act respectively

Agency Participates in Oil Spill and Pollution Response Exercise and Training held by Matson – November 15 and 16

- Participation included USCG, Port Authority of Guam, Unitek
- Three agency staff members participated in training exercise

Final Disaster Debris Management Taskforce Meeting – November 20

- All FEMA-eligible debris situated at the three TDMS removed and disposed of
- Small amounts of ineligible debris remain and will be addressed by GovGuam - pending discussions with DPW

Request for Assistance for Chemical Disposal at Schools and GovGuam Facilities Submitted to EPA Superfund and Emergency Response Management Division – November 20

- Request is to conduct a removal action for the collection, transport and disposal of miscellaneous laboratory wastes and chemicals at six educational institutions and two GovGuam labs.

Agency Presents Emergency Response Activities at Mariana Islands Area Contingency Plan Committee (MIACP) – December 6

- Agency gave its biannual updates on emergency response and potential pollution issues which may have risen as a result of emergency response calls to fires, spills, capsized vessels and Typhoon Mawar response and recovery efforts.

Agency Participates in 2050 Guahan Sustainability Stakeholder Meeting – December 14

- BSP's primary goal is providing a comprehensive land use plan for a desirable future in 2050 as planning is required by statute - Guam PL 35-110
- This planning activity is an update to the 1978 Guam Comprehensive Development Plan to modernize land use planning

Questions and Comments

Chairman Carbullido opened the floor for discussion and/or comments.

Director Castro inquired on when the 5yr workplan starts. Administrator Lastimoza advised it starts this fiscal year (FY24). Chairman Carbullido requested that the new 5yr workplan be shared with the board in which Administrator Lastimoza agreed.

Chairman Carbullido inquired on the status of the MCOG program and the closeout for FY21. Sabrina Cruz-Sablan advised that she had a conversation with Mayor Jesse Alig who is the interim Executive Director of MCOG. Mayor Alig is aware that FY21 & FY22 closeout has not been completed. Sabrina also advised Mayor Alig that although the legislature authorized \$1.5Mil for their cleanup, they have not submitted their expenditure or operations plan to the



Board for approval. Sabrina added that the legislature also authorized MCOG to carry over the FY23 funds until it is expended. MCOG is currently using these funds to keep the program running. Chairman Carbullido inquired if Guam EPA and MCOG are both on the same page for FY21, in which Sabrina advised we are but MCOG has not completed the paperwork required for the closeout.

Chairman inquired what is holding up the closeout. Administrator stated in discussions with Mr. Angel Sablan, he requested for an Affidavit stating the amount of the unexpended funds and he will sign it. Chairman Carbullido also inquired if the release of claim forms were being signed by the contractors. Connie Afilleje advised that the release of claim is a DOA requirement for all contracts and purchase orders to release the government of any prior year obligation when the fiscal year ends however, this has not been done. Chairman Carbullido inquired if the release of claims are being signed by the contractors in which Sabrina advised the forms have not been provided to them by MCOG. Sabrina added that the holdup is all with MCOG.

Chairman Carbullido stated there is a bill (Bill 175-37) that does not have the support of the agency, but something still needs to be done. Chairman inquired if our oversight chair is planning to introduce another bill with the agency's recommendation. Administrator Lastimoza advised she is not aware. Chairman recommended that the agency internally discuss over the next month on what is the path forward in executing what the board has decided on meeting the goal of bringing the nitrate levels down.

Chairman mentioned that he gets approached by people in the community regarding the permit process and requested that the Administrator include monthly metrics on the Administrator's Report. Administrator updated that she also gets the same complaints on the status of permits and often times the permit has some deficiencies and is not on the agency. The agency is currently on a two week turn around period and the agency does not hold on to permits the way it is being portrayed.

Chairman Carbullido stated that the hiring of the two PEs and one expediter should hopefully help the permit review process. Administrator Lastimoza advised that the two PE and one expediter will only entertain military permits that is their mission. Administrator Lastimoza agreed to include metrics in the monthly Administrators Report (e.g. how many applications have been submitted, how many have been responded to, how many have been closed).

Director Hollister inquired on what the 2050 Guahan Sustainability Plan entails. Administrator Lastimoza updated that this a comprehensive land use plan and what is the best plan moving forward. Director Hollister stated hopefully they can tie this in with Bill 175-37.

- **Outstanding Notices of Violations**

- Primo's Heavy Equipment – Chairman Carbullido reiterated that this NOV has been appealed and that the Agency has not notified the board that they are ready for a hearing, which is the next procedural step per the Attorney General's Office.
- Samsung – Chairman Carbullido reiterated that this NOV has been appealed and that the Agency has not notified the board that they are ready for a hearing, which is the next procedural step per the Attorney General's Office.



- JJ Pacific Development– No update – Status quo
- Lin's Hardware – No update - Status quo
- GPPC, Inc. (Crown Plaza project) – No update - Status quo
- Upper Tumon Property (Mr. Park) – No update - Status quo
- Old Royal Palm Garage update – No update - Status quo
- Verona – No update - Status quo
- Cardona – No update - Status quo
- CHK Core-Tech, Hawaiian Dredging, Kajima JV) NOV – Chairman Carbullido reiterated that this NOV has been appealed and that the Agency has not notified the board that they are ready for a hearing, which is the next procedural step per the Attorney General's Office.
- Humåtak (Umatac) Mayor Office – No update - Status quo
- Navy Fuel Farm – No update. Status

Board Secretary Arlene Acfalle advised that she spoke to CAPT. Brian Bearden regarding the water division NOV's and he advised that they have no updates at this time.

- **Proposed Action Interim Level Briefing for Dieldrin**– Briefing provided by Safe Drinking Water Division staff (Juliana Mendoza and Sierra Bettis) ****A copy of the PowerPoint presentation is available upon request****

Administrator Lastimoza added that dieldrin is a termiticide and may have been a result of tearing up the former housing foundation, and is hardfill. Juliana Mendoza advised the soil may have been disturbed and it percolated down to our groundwater. Director Hollister inquired if dieldrin can be treated. Juliana Mendoza advised dieldrin cannot be removed but it can definitely get treated. Additional treatment would be to use a carbon filter or a GAC system to bring down the numbers to an acceptable level.

Director Castro asked what the steps to remediation or treatment are. Juliana advised the first step to our plan is to regulate and based on the Safe Drinking Water Act the agency can issue an interim action level. CAPT. Bearden chimed in stating the Safe Drinking Water Act laid out the process. He stated that the first step is Guam EPA would need to do a public notice to propose what this action level will be. This is a technical process, a scientific judgement that the agency would make. From there the agency will hold the public hearing and receive all comments from the public. The agency would then take any actions or revisions and bring that before the Board for final discussion and approval, which is the final step.

Director Hollister inquired as to when the agency started looking into this matter. Juliana advised that EPA NEIC came out in March of 2023 and they conducted an observational of the Public Water System (PWS) which is only the community water system. During their visit they not only look at the PWS facilities but they also look at the records. The NEIC noticed an increase from the 2011 records. The dieldrin for chemicals for the community water systems, like GWA and the DoD, are on a one to three year frequency for SLC's and VOC's, We have data for GWA for the past 20yrs and there was a trend. Unfortunately, we do not regulate dieldrin showing an exceedance for this particular contaminant but it was on the report from March of 2023.



Administrator Lastimoza added that the inspector that came out in March of this year is also the same inspector that conducted the inspection in 2011 and he noticed an increased value of diieldren it was more of a red flag. This information preceded us as most of us were here during 2011 when it was detected. Juliana stated that because of that report it prompted us to further the investigation and decided, with the safe drinking water program, that it was best to propose an interim action level for diieldren.

Administrator Lastimoza added that the history on diieldren, when the industry banned it, there was an assumption that levels will go down. So no MCL was initiated or implemented by US EPA. Even though the four states had already adopted their own MCL prior to US EPA coming out with a proposed MCL.

Director Hollister also inquired what the longevity or half-life on diieldren is. CAPT. Bearden advised there has been studies that have shown that if you leave it in soil exposed to the environment it will all be gone in about twenty years and that is why it is puzzling as to why we are still seeing it. It is not unusual as other states have seen the same thing and it's probably because a lot of it is under concrete slab of homes and buildings foundation. The agency has a working hypothesis that the reason why we are seeing an increase right now is because of the demolition of a lot of older buildings that is happening around the island and it's exposing the diieldren that has been well protected for decades. This material is then hauled to the hardfill exposed to rainfall and being washed down to the aquifer. CAPT. Bearden added that all programs in Guam EPA will have to be mobilized to figure out why it is increasing and to try and stop the rise in value.

At this time there were no other questions, but the Chairman urged the Administrator to keep the Board informed on the process along the way.

New Meeting Date/Adjournment: Next meeting was set for January 18, 2023 at 4pm. Vice Chairman Carrera made a motion to adjourn the meeting and seconded by Director Castro. All in favor, zero (0) opposed, and regular meeting adjourned at 5:23pm.


Arlene Acfalle
Acting Board Secretary

