



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, January 18, 2024**

MINUTES

- **Call to Order:** Chairman Carbullido called the Board of Director's meeting to order at 4:09 p.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 Guam EPA Conference Room
Vice Chairman Steve Carrara	- Present Guam EPA Conference Room
Director Steven Hollister	- Present Guam EPA Conference Room
Director Fran Castro	- Present attending virtually from Ipan Talofofo
Director Dave Duenas	- Present Guam EPA Conference Room
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, Sabrina Cruz-Sablan, CAPT. Brian Bearden, Margaret Aguilar, Romeo Zacarias

General Public: David Castro

- **Approval of Agenda:** Director Hollister made a motion to approve the agenda, seconded by Vice Chairman Carrara. All voted in favor, zero (0) opposed and motion passes.
- **Approval of December 14, 2023 Minutes:** Director Castro made a motion to approve the December 2023 meeting minutes, seconded by Vice Chairman Carrara. All voted in favor, zero (0) opposed and motion passes.
- **Administrator's Report** - Provided by Administrator Michelle Lastimoza

ADMINISTRATIVE:

Personnel:

- Chief Engineer CAPT. Brian Bearden is in transition to CNMI BECQ and will no longer be assigned to Guam EPA - he is expected to report within a couple weeks.
- Agency legal counsel AAG Kristan Finney re-assigned within the Office of the Attorney General. Agency to start the process of requesting another AAG to represent us



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- EHS Supervisor interviews ongoing - once selection panel completes interviews and evaluations, administrator will make a selection
- As of 1/12/2023, there were 51 FTEs (Full-Time Equivalent)

Budget/Procurement:

- CAT B - Protective Measures reimbursement application being prepped for FEMA portal upload. Estimated time for decision on approval is estimated at two weeks from time of upload.
- Agency targets end of January as a date to satisfy operations building arrears with GALC

Agency Headquarters:

- Coordinating with DPW to move forward with soliciting architectural and engineering services for new building

Permitting:

- For the period from December 18, 2023 to January 12, 2024:
 - 80 permit applications were submitted
 - 16 responses were returned
 - 36 permits were signed and approved

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 – Heard on January 4, 2024

- Agency stated conditional support with the following recommendations:
 - 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, it appears that the proposed bill opens it up to ALL properties, and allows Type 4 use for parental and descendant lots down to 1/8 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.
- Sewage Disposal Assistance Fund: As a regulatory agency vested with the authority to permit, investigate, render a decision, and impose discipline or sanctions when a violation occurs, overseeing an operational activity such providing financial assistance for sewer connections or installation of on-site wastewater systems, to which we inspect, may pose a conflict. Guam EPA, with its regular consolidated grant funding, will not be able to support or provide financial assistance to individual residents.
- Section 3 – Adds §48101 (g), definition of “Advanced nitrogen-reducing onsite disposal system. Guam EPA recommends that the definition be changed to replace “certified” with “approved” as follows: “... and that is certified approved by the Guam Environmental Protection Agency”
- Members of the public, the Guam Association of Realtors and the Office of the Attorney General also submitted written and oral testimonies.

Oversight Hearing on the Status of Guam’s Water Resources – Held on January 4, 2024

- Agency appeared before the committee on environment alongside the Guam Waterworks Authority and WERI to answer questions on PFAS, Dieldrin, Nitrates and Guam’s aquifer and surface water

PROGRAMS/PROJECTS/PARTNERSHIPS:

Administrator Attends Civil-Military Coordination Council Meeting – January 9 - JRM HQ

- Discussed the objectives of the working groups within the charter, the possibility of adding new working groups and reviewed the charter purpose.
- Reminded to be prepared for comments on the draft EIS for the missile defense system.

Administrator and ASO attended a webinar hosted by the DoD’s Office of Local Defense Community Cooperation for their Defense Community Infrastructure Program grant funding

- Invitation was extended by Congressman Jim Moylan
- Agency learned about funding opportunities through the DCIP that may cover costs for construction-related projects and infrastructure improvements off-base and in support of the DOD
- in FY23, the DOD awarded \$100M in grant funding for these types of projects, and the Agency intends to explore how it can apply and avail of the funding

New Hampshire and Pennsylvania extension service on-island and working with the UOG to conduct a FREE Pesticide training workshop this week.

- Scheduled for January 18th from 5-9pm at the UOG campus
- Sponsored by the Agriculture & Natural Resources program of UOH Cooperative Extension & Outreach
- Training on worker safety when handling pesticides

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

Director Duenas inquired about the debris that is on our Dededo property pre-typhoon Mawar. Administrator Lastimoza advised those debris is still on the property and the agency is still responsible for the removal. Director Duenas inquired if DPW was tasked to do the removal.



Administrator Lastimoza advised the agency has not developed an Memorandum of Agreement (MOA) between Guam EPA and DPW. Administrator Lastimoza also added the property is also pending cleanup of debris from US EPA.

Director Hollister inquired with the 51 employees now on-board, how many are remaining to meet the required number of employees. Administrator Lastimoza advised we have a staffing pattern of 80 and the agency is actively recruiting to fill those roughly 30 vacancies.

Director Castro inquired on the outcome of the oversight hearing on the Status of Guam's Water Resources. Administrator Lastimoza advised Senator Perez wanted information on the contaminants that were found in our drinking water and the level of contaminants. Discussions on contaminants, what wells were affected and possible sources of that contamination, water resources and the treatment of our water. GWA spoke about treatment methods to remove that contamination and how development over the Groundwater Protection Zone (GPZ) could affect those contaminant levels as well. Director Castro inquired if there was any follow-up discussions. Administrator Lastimoza advised GWA talked about what their plans were for treatment and what GEPA suggested in terms of interim action levels that we proposed to the Board during December 2023 board meeting.

Director Casto also inquired on the Administrator's roll during the Civilian-Military Coordination Council Meeting and what objectives were discussed. Administrator Lastimoza advised it is a partnership between DoD and GovGuam agencies that will assist in the DoD build-up. Discussions on housing, workforce, permitting, construction and how the build-up will affect GovGuam resources and operations. Administrator Lastimoza added that is a collaboration on how we address shortfalls and challenges on the Government side because of the buildup.

Director Duenas also inquired on the contaminated wells in Northern Guam and how GWA General Manager stated the wells will remain open pending installation of the GAC system. Administrator Lastimoza advised the grey area on this issue is that diieldren is not a regulated contaminant and also stated with last month's board meeting, the agency proposed the interim action level. GWA will continue to monitor and depending on the levels they will issue out the advisories.

CAPT. Bearden chimed in to advise that the draft interim action levels are almost completed pending some EPA review for the three wells that exceed the response level. The response level is set at the 1 in 10,000 excess lifetime cancer risk. Anything above that level, the advisory will tell people to not drink that water without treatment, either from the utility installed treatment or to get their water from a private drinking water vendor on island with a sanitary permit from DPHSS as these systems contain all the treatment methods necessary to remove diieldren. CAPT. Bearden advised this is the recommendation for the three affected wells.

For the other wells that are in between the EPA advisory level which is set at one in one million excess cancer risk level, that is considered the acceptable range and risk by EPA, we are going to tell people it is a very low risk of excess cancer in a lifetime. CAPT. Bearden added that if there is still concerned about that, we will advise to get water from a private drinking water vendor that uses those techniques and has a DPHSS sanitary permit.



CAPT. Bearden advised in talking with GWA, the choice between shutting the water off and not being able to provide people water at all, which probably has a greater risk of sanitary conditions, GWA has weighed that risk and want to continue to provide water to the community but with that advisory. The information is already out there, although we have not issued the advisory yet.

Director Hollister inquired on GWA's position in which Administrator advised GWA General Manager did talk about installing the GAC systems into the 32 GWA wells which would cost about \$2million each, totaling \$64million.

Director Hollister inquired on when is the next discussion for the toilet facilities. Administrator Lastimoza advised a draft is being worked on and that Senator Perez is looking at our original comments before it was revised to include the language of the parental decedent lots down to the 1/6 acre. We have not seen the draft yet, but once it is done the agency will review it.

CAPT. Bearden added that PFAS came up in relation to septic systems but we do know there is PFAS in wastewater. There have been studies that have shown you can find PFAS in septic systems as well and was found in the GWA sewer system. The agency knows that is a source of PFAS to the drinking water aquifer and when we look around the island in the levels of PFAS, we have known hotspots where there have been some big spills or usage of aircraft fire fighting foam around the airport and other places.

Vice Chairman inquired on other contributing factors to PFAS. CAPT. Bearden advised it could come from anywhere such as our clothing that is being washed in the washing machine, our diet, the wrappers from our food etc.

Vice Chairman Carrara also inquired if treatment plants treat PFAS. CAPT. Bearden stated no, there is still a certain amount that comes out because it sticks to the solid sludge that they remove and there is no process that removes PFAS.

○ **Outstanding Notices of Violations**

- Primo's Heavy Equipment – No update – status quo.
- Samsung – No update – status quo.
- 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 – No update – status quo.
- *Humåtak* (Umatac) Mayor Office – No update - Status quo
- Navy Fuel Farm – No update. Status

It is noted that there are no new NOV's to report.



- **Administrator's Six month Performance Review** – Chairman updated that Administrator Lastimoza was recently appointed as Guam EPA Administrator six months ago and a performance evaluation is required at this time. ****A copy of the approved Performance Review is available upon request****

Chairman Carbullido noted items on page 2 that have been tackled and completed in the past six months and thanked Administrator Lastimoza for stepping up to the task of leading Guam EPA. Chairman Carbullido also stated that Administrator Lastimoza works well with the legislature, addresses the concerns of the board and he would like to see that continue.

Director Castro commended Administrator for a job well done and noted that her presence at every board meeting is important.

Vice Chairman Carrara made a motion to retain Mrs. Michelle Lastimoza as Guam EPA Administrator and seconded by Director Hollister. All in favor, zero (0) opposed and motion passes.

New Meeting Date/Adjournment: Next meeting was set for February 15, 2024 at 4pm. Vice Chairman Carrera made a motion to adjourn the meeting and seconded by Director Hollister. All in favor, zero (0) opposed, and regular meeting adjourned at 5:00pm.


Arlene Acfalle
Acting Board Secretary

