



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 15, 2024**

MINUTES

- **Call to Order:** Chairman Carbullido called the Board of Director's meeting to order at 4:05 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	- Virtual - Calling from Tamuning
Director Steven Hollister	- Virtual – Calling from Agat
Director Fran Castro	- Virtual – Calling from Ipan Talofofo
Director Dave Duenas	- Present Guam EPA Conference Room
Director Danny Taitingfong	- Virtual – Calling from Hagatna
<i>*Quorum has been established*</i>	

Guam EPA Staff: Michelle Lastimoza, Nic Lee, Arlene Acfalle, Connie Afilleje, Roland Gutierrez, Margaret Aguilar, Malia Tom

General Public: David Castro (Daily Post), Mayor Jesse Alig (MCOG), Mr. Irvin Slike (GSWA)

- **Approval of Agenda:** Director Castro made a motion to approve the agenda, seconded by Director Duenas. All voted in favor, zero (0) opposed and motion passes.
- **Approval of January 2024 Minutes:** Director Castro made a motion to approve the January 2024 meeting minutes, seconded by Vice Chairman Carrara. All voted in favor, zero (0) opposed and motion passes.
- **MCOG RRF Appropriations for FY24** – Mayor Jesse Alig, President of the Mayor's Council and Interim Director of MCOG, advised he is here to request for the approval of the FY24 MCOG Expenditure Plan for the \$1.5Mil that was appropriated by the legislature. **Copies of the Expenditure and Operation Plan are available upon request**

Mr. Alig advised they are requesting for \$1Mil to be released first with the balance of \$500K to be released by the third quarter once the expenditures have been reviewed.



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
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Mr. Alig also presented the FY24 Operations Plan for the boards review and noted, he is aware that FY21 & FY22 has not been closed out and wanted to provide an update to the board. Mr. Alig advised that the MCOG currently does not have an Executive Director and they have one employee who does all the accounting. Mr. Alig advised the blame is not on anyone but MCOG. He identified their problem and it is clear that the administrative staff have not done the work to close out FY21 & 22. MCOG is currently working with DOA and promises to have FY21 & 22 reconciled and closed out in the next couple of months.

Chairman Carbullido inquired with Administrator Lastimoza if the expenditure and operations plan is recommended by GEPA for board approval. Administrator Lastimoza and Roland Gutierrez, advised they have reviewed the MCOG Expenditure and Operations plan and have no objections for as long as MCOG does their due diligence to complete the close outs of prior fiscal years.

Administrator Lastimoza thanked Mayor Alig for acknowledging the need for FY21 & 22 close out and also reiterated that those funds are no longer accessible. Administrator advised in the past, and in speaking with former Executive Director Sablan, a proposal was made by GEPA to help rectify the situation. The proposal would allow GEPA to close out FY21 & 22 provided that MCOG reach out to their vendors and have them sign off on a release of claims form. Mr. Alig advised he just found out about the release of claims form yesterday and this is what is being worked on to date. Roland Gutierrez also inquired if the FY23 roll over of funds is being worked on. Mr. Alig advised they are waiting on the work order from GEPA to be completed in which Connie Afilleje advised this has been completed and sent to DOA. Ms. Afilleje also advised that MCOG needs to deobligate the funds that are tied to the purchase orders in order for them to reuse those funds.

Vice-Chairman Carrara inquired if we have to wait till the next meeting to obtain the release of claims or are we able to move forward. Administrator Lastimoza advised this request is for FY24 funds. She also stated that the funds from previous years (FY21 & 22) cannot be spent. Roland Gutierrez asked if we have a figure on how much will be rolled over from FY23 funds. Mr. Alig and Connie Afilleje both agreed it's somewhere between three to seven hundred thousand. Mr. Gutierrez inquired if those funds will be part of the appropriated amount of \$1.5Mil. Ms. Afilleje advised it is not and concurred by Mr. Alig. Ms. Afilleje advised the roll over funds will be used for the same operations plan in FY23. Administrator clarified that the excess money from FY23, which will be rolled over, is in addition to the \$1.5Mil for FY24. Ms. Afilleje added that she is not able to provide a true balance at this time due to the AS400 system has been shut down since January 2024.

Director Duenas referred to the equipment rental on the expenditure plan and inquired if there is a check and balance in place to be sure the mayors are strictly using it for this purpose in which Mr. Alig advised there is. Mr. Gutierrez advised there is a request form that the residents fill out at the mayor's office indicating what if eligible, what they would like collected, and obligates the funds to the vendors for services. Administrator Lastimoza added that all the invoices the



mayors accumulate are submitted to Guam EPA Recycling Officer, Sabrina Cruz-Sablan, for validation.

Director Hollister also inquired on the cost per vehicle and tires. Mr. Alig advised it is \$400 per vehicle, and \$200 - \$250 for transport depending on the location (for the southern part of the island is \$250 and \$200 everywhere else). Mr. Alig advised he was not sure of the cost per tire at this time but stated that the issue with the tires is that there is only one vendor and if the vendor cannot accept tires the mayors are left with not picking them up. Mr. Alig added that the excess funds, at times, is a result of this tire issue.

Director Castro made a motion to approve the MCOG Expenditure & Operations Plan and the release of the \$1Mil to get the program started and seconded by Director Hollister. All in favor, zero (0) opposed.

- **GSWA Cost Proposal/ Reimbursement for FY24 Recycling Program** – GSWA General Manager, Irvin Slike, presented the Recycling Program cost proposal and the 1st Qtr. Recycling Cost Report for FY24. ****Copies are available upon request****

Mr. Slike began noting that PL 36-115 and 10GCA 51-310 allows for reimbursement to GSWA for incurred recycling costs of up to \$400K per fiscal year. The three main programs are the processing and marketing of the curbside recyclables, processing & marketing of the bulk goods (both curbside and the transfer stations) and the off-island transportation of household hazardous waste that is collected at the Harmon facility.

Administrator noted there are discussions in the Agency on whether the reimbursements as stated in the law are only once per year or if they can be reimbursed several times during the year. Mr. Slike stated for FY23, GSWA billed for the whole year however for FY24 (due to fiscal constraints) GSWA will be submitting either quarterly invoices or a semi-annual invoice.

Administrator Lastimoza read the section of the law regarding the reimbursement of the \$400K for the board members.

"The Administrator is authorized to annually reimburse Guam Solid Waste Authority, a government entity, up to \$400K in accordance to the Guam Zero Waste Master Plan for expenses that include but not limited to curbside recycling, household hazardous waste, electronic and white goods collection, processing and marketing shipping. GSWA shall submit a proposal including total cost to the administrator and board for approval".

Administrator stated the law does not state that GSWA can't invoice quarterly but it does state Guam EPA will reimburse GSWA annually up to \$400K. Administrator advised she will leave the decision up to the board.

Director Castro made a motion to move forward with the 1st quarter reimbursement of \$98,897.06 seconded by Vice Chairman Carrara.



Chairman Carbullido opened the floor for discussion on the motion. Chairman Carbullido went through the 1st quarter recycling cost report and inquired on the 55 gallon metal drums for purchase. Mr. Slike advised those are the containers that is purchased by GSWA to contain the collected household hazardous waste.

Vice Chairman inquired with Mr. Slike if a one-time reimbursement at the end of the fiscal year will cause an imposition for GSWA or is it a cash flow issue. Mr. Slike agreed it is a cash flow issue for GSWA. He also stated that up until 2024, GSWA was receiving \$3Mil in ARPA funds to carry GSWA through Covid so avoid any rate increase, but that was taken away. However, Typhoon Mawar revenue helped until the point where GSWA needed to make a \$3Mil in interest payments to the Ordofund, so that depleted those revenues. Mr. Slike stated the \$98,897.06 would help GSWA rather than to wait until the end of the fiscal year. He also mentioned that GSWA interpreted the language of the law to mean that was an annual limit of \$400K not dictating how often they request for reimbursement. Mr. Slike stated tracking is a whole lot easier for three months at a time versus compiling paperwork together for 12 months. Vice-Chairman Carrara and Director Castro agreed as well.

It is noted that neither GSWA nor Guam EPA have legal representation at this time.

Chairman Carbullido inquired with GEPA and GSWA if the law allows for the payment of goods or material cost as well as the operational labor costs for the programs. Mr. Roland Gutierrez advised that providing the materials is part of the operations. In order to properly package material GSWA would need to have those bins available to package and transport properly. As Mr. Slike stated, the residential household collection is basically the recycling of household hazardous waste to ensure that those items do not go into the landfill as it affects the leachate content and quality.

Mr. Slike advised what PL 36-115 states in that GSWA would need to submit their plan to the GEPA board to include the collection and management of those programs. This plan does not include labor and other costs which is actually much more. Mr. Slike added, as far as the reimbursement, it would have to be actual cost incurred which is what is reflected on the 1st Qtr. Recycling Cost report for FY24, however GSWA will only be allotted \$400K annually no matter what the cost are.

The Chairman asked the Administrator if she approves the proposal as required by the law. Administrator Lastimoza and Mr. Gutierrez both advised the agency is in support of the cost proposal.

After further discussion, the board recommended that GSWA revise the proposal to show GSWA's total cost proposal as required by the law and add an additional line item to reflect what is coming before the board for approval which is the amount of \$400K.

Director Castro withdrew her motion and discussion was tabled till March board meeting.



- **Administrator's Report** - Provided by Administrator Michelle Lastimoza

ADMINISTRATIVE:

Personnel:

- Chief Engineer CAPT. Brian Bearden's last day was Friday, February 9.
- **EHS Supervisor interviews** complete - selection panel is in the process of evaluating each candidate. Administrator will make a selection once evaluations are complete.
- **Environmental Inspector certification list** received by the Agency - interviews will be scheduled
- As of 2/12/2024, 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 continues to work with GALC to satisfy **arrears** for operations building lease

Agency Headquarters:

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

Permitting:

- For the period from January 18, 2024 to February 12, 2024:
 - 76 permit applications were submitted
 - 9 permits placed on hold
 - 69 permits were signed and approved

POLICY:

Bill 104-37: Relative to the disposal of abandoned and junk vehicles – Signed into law on February 9, 2024

- Agency supported measure and made recommendations to sponsor through participation in Lt. Gov. Tenorio's working sessions to address abandoned and junk vehicles, and in short provides for:
 - Definition of a junk and abandoned vehicle
 - Adding junk vehicles to the definition of litter
 - Authorization for the removal of a unauthorized vehicles on private or public property to be removed after 24 hours after which point DPW will provide vehicle information and location information to DRT for posting on DRT website
- Agency will review the bill and meet with MCOG and DPW officials at a later date to coordinate the removal of abandoned and junk vehicles in light of the new provisions.

Bill 166-37: Relative to requiring Boards and Commissions meeting audio and/or video files to be posted on the respective agency's website with a link to the office of public accountability website - Signed into law on February 9, 2024

- Agency continuously working to update our website to ensure compliance
 - Minutes, agenda, live streams and audio for FY20 to FY24 are already online
 - Agency will post all other FYs if records are available.
- Link to OPA's website added to agency website



- Memo to OPA will be sent once compliance is met – estimated completion is by the end of the month

PROGRAMS/PROJECTS/PARTNERSHIPS:

Update on Juan M. Guerrero Lead-free compliance – January 19

- Back in August 2023, GDOE requested assistance from the agency for lead-free compliance after analysis of water samples taken from taps Juan M. Guerrero Elementary and Machananao Elementary (MES) revealed levels in exceedance of US EPA's action level for lead
- On January 19, a follow up inspection and review of follow-up WERI analysis report was performed for faucet and valve replacement at Juan M. Guerrero ES
- Guam EPA cleared the affected sink for use after the inspection and review of results
- Agency awaiting results and report from MES in order to clear their faucets for use

Notice of Violation issued to Sun Brothers Construction and Jon Ilao for violation of Guam's Soil Erosion and Sediment Control Regulations

- Issued the on January 25 and 26 respectively for grading and excavation activity not indicated in the plans or permit
- The project is a single-family home located in Chalan Pago
- Adjacent lot owner reported the activity to Guam EPA and DPW after observing that the excavation from this project was intruding onto their property
- Agency inspectors visited the site in December 2023 and confirmed the complainant's observations
- Compliance order issued to respondents to:
 - Within 270 days, stabilize the cut slope and mitigate hazards to neighboring properties by
 - constructing a retaining wall with a safety fence to prevent the movement of soil and rock offsite
 - Within 30 days, provide a project plan to the agency to demonstrate how compliance will be met - inclusive of project milestones, timelines and additional permits
- No administrative penalty order is being issued at this time, though we may seek fines if the respondent fails to comply and take the recommended remedial action

Solid Waste Infrastructure for Recycling Grant MOA being drafted

- On September 13, 2023, Guam EPA was awarded \$572,065.00 through U.S EPA's BIL-funded Solid Waste Infrastructure for Recycling (SWIFR) grant program as part of the Investing in America agenda to develop or update plans to advance post-consumer materials management, implement these plans, and to improve data collection effort
- This Memorandum of Agreement (MOA) is entered into by Guam Environmental Protection Agency (Guam EPA) and sub award recipient Guahan Sustainable Cultures (GSC) for the Solid Waste Infrastructure for Recycling for Composting and Community Gardens
- The purpose of this award is to enhance Guam's efforts to advance Zero Waste by providing home composting and gardening training to all of Guam's villages. The



program is assembled with a robust system of incentives to increase participation and support for technical assistance and data collection. Training and follow-up will be executed by sub award recipient, Guahan Sustainable Culture (GSC), with grant administration by Guam EPA

- GSC will perform the following program activities designed to implement our plans by educating individuals and communities on composting practices for their homes. By diverting food waste from landfills to composting, we can create nutrient-rich soil for gardening projects

Letter of Support issued to UOG's CIS and Sea Grant

- The 2023 Inflation Reduction Act Climate Ready Workforce for the Coastal States, Tribes, and Territories Competition is a program — funded by Sea Grant and the NOAA Climate Program Office with support from the NOAA Office of Coastal Management — aimed at placing people in our region into jobs that advance climate resilience and assist employers in developing a 21st-century workforce that is climate literate, informed by climate resilience and skilled at addressing consequent challenges. The program plans to assist communities in our region so they may form partnerships that train workers and place them into jobs that enhance climate resilience
- For this grant, UOG is planning to create a one-year training program (following the G3 Conservation Corps or Kupu model) whereby members would be placed in climate resilience jobs in different agencies throughout the Micronesia region. They would spend 80% of their time within their designated organization/agency, where they would receive training specific to their position. The remaining 20% will be spent following courses and catch-up training identified by their agency as necessary to be hired at the end of their one-year placement. Under this grant, participants would receive a monthly stipend during the grant period.

2022-2024 Integrated Water Quality Monitoring and Assessment Report being drafted.

- Report is an assessment of the quality of all Guam waters per CWA Section 305(b)
- Proposes a 303(d) List of Impaired or Threatened waters per CWA Section 303(d)
- A 30-day Public Review and Comment period is scheduled beginning March 1, 2024.

Director Castro inquired on how many more positions the agency has to fill as she was advised by Senator Joanne Brown, during her confirmation hearing, that the agency can submit a request to the legislature to increase the salary cap and help these positions get filled.

Administrator advised the interviews for the environmental health supervisor positions will fill two out of the four positions that is open. The agency is also looking to open up three environmental inspector positions. Administrator added the agency is looking at ten other positions which are 5 EHS I, 2 chemists, 2 biologists and 1 computer technician. Director Castro inquired with the Administrator is she would like to work together to submit a package to the legislature to address the need for salary increase. Administrator advised the agency has the money to recruit. The funding source is from the emerging contaminant grant to build capacity. Administrator advised maybe in year 3, the agency would then have to request assistance from the legislature to help the agency sustain the capacity we would have at that point. Director



Castro stated although the agency has the funds to recruit, is it attractive enough to get people to apply. Administrator advised we could take the route of announcing above step recruitment options for positions that are hard to fill but it would need to be approved before the announcement is made.

Director Hollister inquired on who is in charge of reviewing permits since the vacancy of CAPT. Brian Bearden and if there are efforts in place to fill the chief engineer position. Administrator advised Mr. Johnny Abedania, Engineer Supervisor, is currently the acting chief engineer. She also added that the agency is engaged with our Guam Program Manager, Mr. Carl Goldstein, who has put out feelers to the US Public Health Service to see if there would be anyone interested in coming to Guam as an IPA, similar to CAPT. Bearden.

New Meeting Date/Adjournment: Next meeting was set for March 21, 2024 at 4pm. Director Duenas made a motion to adjourn the meeting and seconded by Director Castro. All in favor, zero (0) opposed, and regular meeting adjourned at 5:33pm.



Arlene S. Acfalle
Acting Board Secretary

