



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAŊ 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, May 23, 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 (in-person)
Vice Chairman Steve Carrara	- Present (in-person)
Director Steven Hollister	- Present (in-person)
Director Fran Castro	- Present (in-person)
Director Danny Taitingfong	- Present (in-person)

Quorum has been established

Guam EPA Staff: Michelle Lastimoza, Nic Lee, Arlene Acfalle, Connie Afilleje, Sabrina Cruz-Sablan, Margaret Aguilar, Romeo Zacarias, Mevany Hecita and Glenn San Nicolas

General Public: David Castro (Daily Post), Bob Perron

- **Approval of Agenda:** Director Hollister made a motion to approve the agenda, seconded by Director Castro. All voted in favor, zero (0) opposed and motion passes.
- **Approval of April 18, 2024 Minutes:** Director Castro made a motion to approve the April 2024 meeting minutes, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passes.
- **Administrator's Report** - Provided by Administrator Michelle Lastimoza

ADMINISTRATIVE:

Personnel:

- **UPDATE on CMDR Degrange:** Direct Payment has been made to USEPA in time to process CMDR Degrange's relocation.
- **Recruitment:**
 - 5X EHS I positions announced from May 7 – 28
 - 1X Chemist I position announced May 7 – 28
 - 1X Chemist III for departmental hire announced May 7 – 28



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- 1X Environmental Techs announced from May 10 – 23
 - Environmental Inspectors remain on continuous announcement
- Interviews and selection completed for two Biologist I positions the week of May 14:
 - Biologist I recruitment was on continuous announcement and certified candidate list was issued to the agency this month
 - 2 selections were made, however 1 declined. A supplemental list was requested and forthcoming.
- As of 5/20/2023, there were **53 FTEs** (Full-Time Equivalent)

Budget/Procurement:

- FEMA reimbursement: status quo - nothing new to report
- GALC arrears for operations building lease: status quo - nothing new to report

Agency Headquarters:

- Efforts still underway with DPW to move forward with soliciting architectural and engineering services for new building
- Agency exploring option to dispose of tires on site

PERMIT ACTIVITY: April 18 – May 17

PERMIT TYPE	APPLICATIONS*	ISSUANCES**
Building Permit Clearance	14	61
Clearing/Grading Clearance	10	15
Occupancy Clearance	33	35
Underground Injection Control (UIC) Permit	3	3
H2B Clearance	5	5
Well Operating Permit	3	4
Well Abandonment Permit	0	3
Well Drilling Permit	2	2
Test Boring Permit	9	5
Application Review Committee (ARC) Review	1	1
Underground Storage Tank (UST) Permit	0	5
Solid Waste Collection Permit	0	4
Wastewater Collection Permit	3	3
TOTALS	83*	146**

*Applications received between April 18, 2024 through May 17, 2024.

**Includes approved permits and clearances granted to applications submitted prior to April 18, 2024

Chairman asked that this list also include those permits that were reviewed but had deficiencies and were placed on hold.



POLICY:

UPDATE: Bill 269-37(COR): Relative to standardizing labeling and testing of bottled water – Public Hearing held May 7, 2024

- Bill seeks to amend the Guam Safe Drinking Water Act by adding a new article to set bottled water labeling standards, exemptions and provisions for random testing of locally bottled water and potentially, imported bottled water
- Agency provided written and oral testimony to ask that the legislature reconsider the bill and take no action since we have the authority to promulgate rules and regulations for monitoring and other requirements specifically for bottled water companies granted under 10 GCA § 53107
- Agency expressed that bottled water - as a sealed commodity - is regulated by the FDA and that it is our understanding that the Guam Department of Public Health and Social Services may possess the local oversight and compliance and enforcement capabilities with respect to the FDA's FFDCA as it would apply to bottled water.

Bill 283-37(LS): Relative to inspecting imported bottled water – Introduced by Sen. Dwayne San Nicolas on April 25, 2024 – No hearing date set

- Agency submitted fiscal note comments to BBMR on May 1, 2024
- Bill proposes that bottled water produced outside of the US will be prohibited from importation for sale on Guam prior to DPHSS performing inspections and verifying that the imported bottled water has been tested and certified with standards in accordance with the Guam Safe Drinking Water Act.
- Bill also authorizes and mandates the DPHSS director to promulgate and enforce rules and regulations and standards for imported bottled water produced outside of the US with the advice of Guam EPA within six months of the proposal's enactment
- Provision in the bill requires importers of bottled water produced outside of the US to have it tested in accordance with USEPA standards and have the test results submitted to DPHSS prior to the promulgation of the rules and regulations and within three months of the bill's enactment

Bill 55-37 (COR): Relative to funding the Agency's Environmental Trust Fund via continuous annual appropriations from 20% of Used Tax collections– Introduced by Sen. Sabina Perez on February 24, 2023 – Public Hearing held May 20, 2024

- Bill seeks to amend 11 GCA §28112(c) to fund the Agency's Environmental Trust fund via use tax collections.
 - 11 GCA § 28122(c) currently reads: "20% of use tax collected in the previous fiscal year shall be appropriated to the Guam Environmental Protection Agency, Environmental Cleanup Fund to cover the costs associated with preserving Guam's natural resources."
 - [Bill 55-37](#) will make the 20% collection a continuous appropriation to the ETF and mandates that the appropriation be placed into the ETF within twenty (20) days following the end of the month
 - The EFT is currently funded through the 2% collection fee assessed on all commercial and industrial liability insurance premiums paid in Guam for individuals and companies on Guam



- Current authorized EFT expenditures include:
 - Up to 25% of the fund may be used for programs which support prevention of environmental problems, and the promotion of keeping a safe and healthy environment.
 - no more than \$5K for the purposes of assessment, cleaning up hazardous materials and restoring and repairing damages done to the Guam environment in a declared emergency
- Agency provided oral and written testimony in support of the bill, and noted that the ETF be reevaluated to become more modern to address current needs in three major areas:
 - Issuing permits and clearances in an expeditious manner
 - Putting more personnel in the field for deterrence and compliance – particularly in solid waste management and illegal dumping and stormwater management
 - Strengthening enforcement in response to recurring environmental violations

PROGRAMS/PROJECTS/PARTNERSHIPS:

Courtesy Meeting with New MCOG President Mike Brown – April 19

- Mr. Brown met with the agency to discuss and address key issues with reconciling and invoicing services performed under the MCOG IECP
- Agency provided a briefing on our work with the MCOG and how the RRF is managed

US EPA Region 9 Permit Office Visit: April 24 – 26

- US EPA Region 9 Permit Office personnel visited Guam to provide technical assistance and guidance on open detonation permitting
- We joined USEPA to tour facilities at Naval Base Guam and Andersen Air Force Base
- US EPA and Guam EPA personnel also met with local community group *Prutehi Litekyan* to further address concerns with the OD permit and the impacts with which new revised rules for OD will affect the local permit

Courtesy Meeting with US Navy Under Secretary Erik Raven – May 2

- Agency provided briefing on the permitting process and environmental review of military construction projects on Guam
- Feedback was provided between the agency and the Under Secretary about our strengths and weaknesses in permitting, the challenges we face and the outlook of permitting military construction projects throughout the life of the build up

UPDATE: MOA between MCOG and Agency signed by the governor – May 2

- Authorized amount is \$1M, not to exceed \$1.5M for the purposes of the MCOG IECP

Ordot Consent Decree Status Hearing – May 8

- Agency appeared before US District Court Judge Frances Tydingco Gatewood to provide information on our position on the RCRA trust agreement from the Ordot Dump settlement award for post closure care



Agency participated in a stakeholder meeting with GPA and GPA contractors to explore the feasibility of using Liquid Natural Gas at Ukudu Power Plant– May 15

- Agency met with GPA and Stanley to discuss the environmental impacts and potential permitting requirements for importing and supplying the new power plant with LNG
- GPA and its contractors are statutorily required to conduct a feasibility study on the use of LNG

UPDATE: \$560K SWIFR Grant Funded Project – MOA between Guam EPA and Guahan Sustainable Culture for community gardening and composting training routed to BBMR – May 21

- 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

UPDATE: Draft Tumon Bay Total Maximum Daily Load (TMDL) Developed – Public Comment and Review Period was March 19, 2024 through April 18, 2024

- A TMDL is the allowable load of a specific pollutant that can be discharged into a water-body and meet water quality standards.
- TMDLs are developed for dieldrin and total chlordane because the latest sampling study supported the continued impairment status for the parameters of concern.
- TMDL developed for the agency by a US EPA contractor and favorably reviewed by R9
- The Clean Water Act and implementing regulations require public comment on the draft TMDL report prior to US EPA approval
- We established a 30 day review and comment period, seeking written comments from the general public and other interested parties
- The public notice is posted on the Agency website and media platforms
- No written comments were received from the public
- Fact sheet available on Guam EPA website

Chairman Carbullido opened the floor for questions or comments.

Director Castro inquired on what is the next step. Administrator advised the TMDL will be our baseline when we do testing. Margaret Aguilar advised it is in the hands of US EPA to take action. Ms. Aguilar added we will do our best to try and implement some kind of program and noted that these two particular pesticides have been banned since 1980 so they may be seeping up from the groundwater, stormwater runoff or leaching from the aquifer. Administrator Lastimoza and Ms. Aguilar noted that this only applies to Tumon Bay.



Director Castro asked, if the tests have been coming out positive what is the remediation if it meets or exceeds the threshold. Ms. Aguilar advised they are finding it more in fish tissue so it's the consumption that is being impaired. Director Castro inquired if we are placing signs up in which Ms. Aguilar advised Guam EPA would need to collaborate with DPHSS as they are the agency that issues the advisories. Director Castro asked if DPHSS is aware of the situation. Ms. Aguilar advised the agency will verify but noted the contractor has recommended another round of testing to verify if there is evidence of it declining.

Director Hollister inquired how does the permit review process compare now to when we the agency has a PE. Administrator advised when CAPT. Brian Bearden was on board the agency would average about 160-200 permits a month.

Director Hollister inquired on Senator Perez bill that would allow for mandatory trash pickup. Acting Deputy Nic Lee advised the bill was vetoed. He added, the issue was the funding source to start up the subsidy on the low income households that may not be subscribed to trash service.

Director Castro inquired on the meeting with the newly appointed MCOG Director. Ms. Sabrina Cruz-Sablan updated that the close out for FY21 is in process and nearly closure. FY21 funds to be returned back to the RRF account is \$221,771.00. FY22 has been completed and funds to be returned is \$337,040.40. FY23 rollover that was not used is \$176,100.00. Ms. Sablan advised purchase orders have already been issued for abandoned vehicles collection and processing of \$176,100 however MCOG is in the process of deobligating \$282,708 that they will be able to reuse. For FY24 per Board's approval, the \$1Million has been released and MCOG is in the process of issuing out PO's so the programs are back on track. Chairman inquired if they could have spent more money from Oct 2023 to May 2nd (when the FY24 MOA was signed). Ms. Sablan advised with the accounting issues, they did not realize that for FY23 they had over \$400K that were in their books and did not spend. Ms. Sablan added with the release of the \$1Million and potential of another \$500K plus the rollover from FY23, they will have over \$2Million in the books. MCOG would have no reason to complain that there is no funding, the problem is they are not processing soon enough and is no fault to Guam EPA.

Chairman inquired on the next action item for the dieldren topic. Administrator advised we have spoken to US EPA Senior Toxicologist, Mr. Patrick Wilson and he had some personal issues that he needed to resolve and has been on emergency response (ER) in California. In speaking of his availability, Mr. Wilson will be flying out to Guam with Mr. Carl Goldstein the week of June 8th to June 15th. Mr. Wilson will provide us with a brief and the agency will schedule a public hearing on June 14th.

Chairman also inquired on Bill 42-49 for Guam EPA to procure its own attorney. Administrator advised the agency provided testimony and this is still in the works. Acting Deputy Lee chimed in and advised the bill was introduce and placed on session agenda last month however, it was referred back to committee for review and amendments.

Tire Shredder Discussion out of RRF – Administrator Lastimoza advised prior to Mawar there were previous discussions over a year ago, to use \$2Million out of the RRF to remove tires on our Dededo



property. After Typhoon Mawar the property was used for typhoon debris collection (along with Tiyan and Oka Point) and we also collected tires although tires were not FEMA related debris. Administrator advised that the agency is not able to move forward with any type of construction until the tires that were collected from Mawar are removed. So in recent discussion, if we had the \$2Million that was set aside to have those tires shipped off, we should consider buying a tire shredder to not only get rid of the tires on the property but also the tires collected from Mawar. Administrator added there were discussions to partner with DPW & GSWA to purchase a tire shredder to not only remove all tires on the Dededo property but to also dispose of tires from Mawar and hopefully tires from illegal dumpsites around the island. Should we purchase the tire shredder, it will be owned by DPW, and maintained and used at the Layon landfill. During the post-recovery efforts GSWA indicated that they will take shredded tires but it need to maintain a certain standard. Administrator Lastimoza advised GSWA GM, Irvin Slike stated he will use a portion of the landfill where he can stage the shredded tire material. Administrator added in more recent discussions GM Slike proffered purchasing the tire shredder which will be owned and operated by GSWA and they will remove and shred the tires on the Dededo property and Guam EPA will then use the \$2Mill to pay for the tipping fee. This is still being negotiated.

Director Castro inquired where the tires would go once they are shredded. Administrator advised GSWA will use it as drain rock at Layon. Director Hollister inquired on what standard the tires need to be in. Glenn San Nicolas advised there are certain specifications needed to be used as drain rock material which is used in stormwater management and septic systems. Mr. San Nicolas added the Zero Waste Master Plan was approved by the Guam EPA board last year and it included the beneficial use of tire derived aggregate (TDA). Mr. San Nicolas added that the TDA in this case would be used in septic tank systems in place of clean drain rock which creates a beneficial bacteria that is far superior to clean drain rock and it lasts longer. It could also be used for stormwater diversion management.

Director Hollister inquired if it will leach in all the chemicals. Mr. San Nicolas advised there is a 6PPD, kind of like a preservative protected from UV radiation. Some studies indicate that turf, a problem if direct contact with human, but in this application it's separate from human, its underground and covered with trenches. Director Hollister asked for clarification in regards to tires at the landfill. Mr. San Nicolas advised the tires that were not allowed to go to the landfill were whole tires and quartered tires, unless you were going to use it for beneficial use in place of clean drain rock or drain rock type material. Director Castro inquired on how many tires are we looking at. Administrator advised the tires collected from Mawar are estimated to be about 7-10,000 tires and the buried tires on our Dededo property pre-Mawar are estimated at 50-100,000 tires.

Vice-Chairman Carrara inquired if the government took over the collection and shredding of tires how will this affect the private business who currently do this service. Mr. Bob Perron of Mr. Rubbishman asked for permission to chime in the conversation and stated he doesn't think it's a bad idea for the government to own a tire shredder to take care of government business and the piles of illegally dumped tires and things of that nature. Mr. Perron stated as far as competing against the private industry that would not be too good of an idea and added there is a good rational for having one for these circumstances like the Dededo property and Mawar tires. Mr. Perron advised the reason why



they have not been able to step up to take care of these stuff is Mr. Rubbishman was down for 3-4 months after Mawar, and the system has been sketchy since then, and its down again for another week or so. Mr. Perron stated they had a depo team come out to inspect the machine and was advised there were critical parts that needed to be replaced immediately or risk losing operation of the machines.

Mr. Perron added they have been under a lot of pressure from the Guam Fire Dept. and DPHSS to get all the commercial sites cleared out and added that Mr. Rubbishman is still on catch up mode. But once they get the system stable they can work all these commercial sites down and then look at working on the illegal dump sites and Mawar stuff. Mr. Perron again stated, he doesn't think it's a bad idea for the government to have one for contingency purposes and to do the governmental, illegal dump sites and also to step in if the system goes down at Mr. Rubbishman.

Administrator Lastimoza inquired if Mr. Rubbishman is still taking tires from mayors program. Mr. Perron advised they normally would but stated they have been down for a week or so. Vice Chairman Carrara stated he remembers in the past the all tires had to be shipped off island, and discussions where the shredded tires will be used as cover at the landfill. Glenn SN advised the way the permit was written up is as a last resort where if the tires can not be exported it has to go somewhere and managed and what better place to do that than the landfill. Mr. San Nicolas added it's not a first choice but a last resort that it could be used for that purpose.

Director Hollister inquired with Mr. Perron what the typical maintenance for the system is. Mr. Perron stated normally they have to change knives every 4 months and about \$20K to change out the knives and the labor costs. The electricity is about 1000amps and pulls power with an average power bill of \$4000 a month. Mr. Perron stated there has to be about 3 to 4 people working simultaneously when the system is running. Mr. Perron added they've sent people off-island to obtain training but they also have a depo team from Korea that comes out if there is any major issues.

Chairman Carbullido reiterated that although the agency is looking to fund this tire shredder out of the RRF, the board has not deliberated or voted on this issue and concurred by Administrator Lastimoza. Chairman Carbullido inquired if purchasing the tire shredder falls under an approve program under the RRF. Administrator advised it will as Guam EPA can now enter into an MOA with DPW as a partner to remove the tires on the Dededo property and to transfer them to a recycler. Administrator did add that it would be different if GSWA was to purchase the tire shredder it will be a service and Guam EPA would have to pay the tipping fee. Chairman Carbullido stated it has not been shown if this will fall under an approved category under the RRF required by law.

Notice of Violations - It is noted that there are no updates for our current NOV's and no new NOV's to report.

New Meeting Date/Adjournment: Next meeting was set for June 20, 2024 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 5:06pm.

Arlene M.S. Acfalle
Acting Board Secretary



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