



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, November 21, 2024**

MINUTES

- **Call to Order:** Chairman Steven Carbullido called the Board of Director's meeting to order at 4:05p.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	- Virtual attendance from Agat
Director Fran Castro	- Present (in-person)
Director Danny Taitingfong	- Virtual attendance from Hagatna
Director Cathleen Moore-Linn	- Present (in-person)

Quorum has been established

Guam EPA Staff: Michelle Lastimoza, Arlene Acfalle, Connie Afilleje, Glenn San Nicolas, Edwin Salas, Malia Tom, Romeo Zacarias, Juliana Mendoza, Sierra Bettis, Nicole Diras

General Public: Frank San Nicolas

- **Approval of Agenda:** Director Fran Castro made a motion to approve the agenda, seconded by Vice Chairman Steve Carrara. All voted in favor, zero (0) opposed and motion passes.
- **Approval of October 24, 2024 Meeting Minutes:** Director Fran Castro made a motion to approve the October 2024 meeting minutes, seconded by Vice-Chairman Steve Carrara. All voted in favor, zero (0) opposed and motion passes.
- **Administrator's Report** - Provided by Administrator Michelle Lastimoza

ADMINISTRATIVE:

PERSONNEL:

- **Recruitment:**
 - 1 resignation effective Nov. 15 - Environmental Inspector
- As of 10/18/2024: **50 FTEs** (Full-Time Equivalent)
- 2 Environmental Health Specialists selected this week



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANLÁLA'LA'

 Like and follow [guamepa](https://www.facebook.com/guamepa)

Agency Headquarters:

- **UPDATE:** Contract negotiation remains in progress, no contract signed at this time - no other details can be given at this time.

POLICY:

- No Updates – No new measures affecting us have been introduced or passed

PROGRAMS/PROJECTS/PARTNERSHIPS:**Agency hosted a Li-ion battery awareness training – October 28-29:**

- Training was hosted in conjunction with US EPA Federal On-scene Coordinators (FOCs) at the Port Authority of Guam
- Training was conducted to bring awareness about the dangers of li-ion batteries during emergency response by addressing li-ion battery basics; firefighting operations and tactics; safety and PPE guidelines; de-energizing, air monitoring and site cleanup; and transport and disposal.
- Training attendees included GFD, GMH, PAG, USCG Sector Guam
- This was a first-of-its-kind training – as we determined there is little to no awareness about the dangers posed by li-ion batteries

Guam EPA celebrates America Recycles Day with Proclamation signing – November 15:

- Annual proclamation detailing the importance of recycling and highlights Guam's recycling rate.
- This year, we reported a recycling rate of 60.13% for all eligible materials in 2023
- Last year, we reported a rate of 38.2% - though this year's increase has been influenced by recycling activities associated with Guam EPA's operation of the three TDMS for Mawar recovery
- We began tracking recycling rates in 2012 and reported a rate of 17.85%

Guam EPA Administrator addresses the SAME at the Guam Industry Forum 2024 – November 15:

- The administrator provided an in-depth report on the permitting process, permitting activities, updates on regulations and statutes, DOD project review and compliance and the agency's future outlook.

Guam EPA Administrator and staff attended the Draft EIS Public Information Meeting at the Dededo Senior Citizen Center - November 15:

- The Missile Defense Agency (MDA) published a Notice of Availability in the Federal Register on October 28, 2024, which announced the availability of the Draft Environmental Impact Statement (EIS) and the start of the Draft EIS public review and comment period. NEPA requires a 45-day public comment period, but MDA is providing a 75-day comment period to allow more time for the public to review and submit substantive comments.
- Official comments on the Draft EIS may be submitted at the public meetings, online at www.EIAMD-EIS.com by email to info@EIAMD-EIS.com, or by U.S. postal mail to:
 - ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403



1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

- To ensure a response and appropriate consideration in preparation of the Final EIS, official comments must be postmarked or received online by **January 8, 2025**.

State Implementation Plan Update – Compliance with US EPA public notice requirements – October 28

- Agency published a notice for public comment and hearing relative to implementing Guam's State Implementation Plan pursuant to the Clean Air Act (CAA)
- The SIP is a plan that states and territories use to comply with the federal CC and achieve the National Ambient Air Quality Standards (NAAQS)
- Local regulations submitted to the legislature in 2022 were formally adopted as part of conformity requirements for CAA
- With the final submission of the SIP pending, US EPA informed the agency that federal public notification requirements needed to be met for these local regulations to be included as part of the SIP
- This notification process is administrative in nature as the regulations passed in 2022 comply with the federal CCA
- Public comment period runs from October 28 – December 2, 2024.
- Public hearing is scheduled for December 2, 2024 at 4PM here at the Guam EPA administration building conference room.

UPDATE: Composting Workshops Hosted by Guåhan Sustainable Cultures in Collaboration with MCOG and the Agency CONTINUES:

- Workshops made possible by the SWIFR grant award received last year
- GSC chosen as the sub-awardee and has updated their schedule:
 - Nov. 23, 9AM - 10:30AM at the Inalåhan Mayor's Office/Community Center
 - Dec. 7, 9AM - 10:30AM at the MTM Mayor's Office/Community Center
 - For more information, call 671-734-4721 / 671-987-1296 or email: villagecompost@gusustainable.org

UPDATE: Establishment of Interim Action Levels for Dieldrin Released – As of November 15:

KEY DATES	ACTION ITEMS	STATUS
Thursday, June 6	Reserve publication space for public notices in the Guam Daily Post for public hearing and 45-day public comment	COMPLETED
Monday, June 10	Public hearing/comment period notice #1	COMPLETED
	Start 45-day public comment period	COMPLETED
	Publish Dieldrin IAL paper for review at administration building and agency website	COMPLETED
Monday, June 17	Public hearing/comment period notice #2	COMPLETED



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
ALL LIVING THINGS OF THE EARTH ARE ONE • *MANUNU TODU I MANLÁLALA'*

Like and follow [guamepa](https://www.facebook.com/guamepa)

Monday, June 24	Public hearing w/Patrick Wilson and SDW	COMPLETED
Wednesday, August 14	End 45-day public comment period	COMPLETED
To Be Determined	Agency review/response to comments from: GWA, Senator Sabina Perez, Former Senator Hope Cristobol and Prutehi Litekyan	IN PROGRESS
To Be Determined	Board meeting to consider, adopt, modify IAL	Pending

PERMIT ACTIVITY: October 21 – November 15

PERMIT TYPE	APPLICATIONS*	ISSUANCES**	HOLDS***
Building Permit Clearance	26	20	3
Clearing/Grading Clearance	3	3	0
Occupancy Clearance	17	11	0
Underground Injection Control (UIC) Permit	0	2	0
H2B Clearance	5	5	0
Well Operating Permit	0	0	0
Well Abandonment Permit	0	0	0
Well Drilling Permit	0	1	0
Test Boring Permit	2	6	0
Application Review Committee (ARC) Review	1	0	0
Aboveground Storage Tank (AST)	0	0	0
Underground Storage Tank (UST) Permit	0	0	0
Solid Waste Management Permit	0	0	1
Wastewater Collection Permit	0	0	0
TOTALS	38*	48**	4***

*Applications received between, October 21, 2024 through November 15, 2024.

**Includes approved permits and clearances granted to applications submitted prior to October 21.

***Includes permit and clearance holds applied to applications submitted prior to October 21.

Chairman Carbullido opened the floor for questions or comments.

Director Castro inquired if the clean-up has been completed for Guam EPA's HQ property. Administrator Lastimoza advised based on the last cleanup totaling \$6Mil only 4acres has been



completed. Administrator added what is remaining for cleanup on the clean property are the tires. Guam EPA is still working on a plan on how to dispose of the tires.

Director Castro also inquired if there is any company recycling the lithium ion batteries. Administrator Lastimoza advised the lithium ion batteries cannot be recycled until after they are deionized. Administrator Lastimoza added that the on-scene coordinators that have been working in Lahaina found that these traditional firefighting methods were not effective on these lithium ion batteries and that the batteries needed to be placed in a salt water solution to be de-energized. Administrator added that we do not have that capability on Guam yet.

Administrator Lastimoza stated that part of the dangers of the compromised lithium ion batteries, for firefighters, is that they emit this toxic gas and they burn so hot that their current PPE is not protective enough.

Director Hollister asked where the lithium ion batteries in Guam are going. Administrator Lastimoza advised there is no proper disposal method for these batteries. Glenn SN chimed in stating the lithium ion batteries are being recycled just not the EV or solar array batteries. He added that batteries such as laptop batteries are being exported using a special box. Glenn also stated that there are companies that do a take back program but these are not the batteries of concern. Glenn added to the Administrator's comments in regards to the lithium ion battery training. The US EPA response team makes it a non-battery by de-energize the battery, smashing it and physically changing its appearance. Glenn added this is how we are getting it exported as a waste stream.

Director Hollister inquired if the smaller lithium ion batteries are being diverted to the landfill. Glenn advised individuals get referred to the recycling facilities who are able to take them and that GSWA has some information that gets posted it stating such as don't place the batteries in the recycling bin. Glenn SN stated that GSWA does take back the batteries that are smaller in size. Director Hollister added that the Home Depot does take back smaller lithium ion batteries. Glenn also added that the vehicle industry, that sells EV vehicles, have their standards and protocols in place on how to handle lithium ion batteries.

Director Hollister inquired if the agency should start creating procedures or guidelines for recycling small lithium batteries. Glenn SN advised this starts with public outreach, education and following the manufacturer's instructions. Chairman Carbullido inquired if there is a recycler that takes the smaller batteries. Glenn SN advised GSWA and the recycling facilities like Global Recycling.

DIELDREN RULES: Presented by Guam EPA Safe Drinking Water Program, Juliana Mendoza, Sierra Bettis and Nicole Diras ****A copy of PowerPoint presentation is attached****

DISCUSSION:

Director Castro inquired how the SDWP came up with that PPB (Parts per billion) level. Ms. Mendoza advised upon researching there are only a few states like Hawaii, Minnesota and Florida that currently have their laws and regulation on Dieldren. The SDWP looked at their action level and when speaking to the US EPA Senior Toxicologist, Patrick Wilson, 0.2 ug/L (ppb) is a consistent action level. Ms. Bettis chimed in and noted page 5, section 9 of the draft assessment document which shows the basis of the IAL (Interim Action Level) and the references.



Chairman Carbullido inquired on the difference and basis between the Tier1 and Tier 2 with the 30day and the 24hr notification. Ms. Mendoza advised the public water system (PWS) must advise Guam EPA once they receive the lab results in exceedance of the IAL. The PWS must come into immediate compliance with a Tier 1 public notification within 24hrs where the Tier 2 is within 30days. Both Tier 1 and Tier 2 will have the same public notification with a "Do Not Drink without Treatment" advisory.

Director Hollister inquired why there is a 30 day wait on the Tier 2. Ms. Mendoza advised it's because of the action level in which the Tier 2 is a short term, non-cancerous health advisory.

"IAL Public Notice. Where monitoring data demonstrates that the IAL has been exceeded, public notification under the IAL will be considered a Tier 2 Public Notice, and must follow the relevant requirements of 22 GAR § 6141.203. Public notices must contain the mandatory notification language below. The Tier 2 Public Notice rules require that Public Water Systems provide the public notice "as soon as practical, but no later than 30 days after the system learns of the violation." For public water system customers who receive water or have received water that exceeds the noncancer short-term health advisory of 0.5 ug/L, a Tier 1 Public Notice shall be issued and must follow the relevant requirements of 22 GAR § 6141.202. The Tier 1 Public Notice rules require that Public Water Systems provide the public notice "as soon as practical, but no later than 24 hours after the system learns of the violation."

Director Hollister inquired on why we have to wait 30days for public notification on a Tier 2. Director Moore-Lin chimed in and stated her interpretation for a Tier 2 is the PWS can send out the notification in the next day or two, but they have up to 30days to do so. Ms. Mendoza concurred and added when a Tier 1 or Tier 2 is issued a public notification is only one part of the Compliance Order (CO). The second part is the PWS needs to correct the problem which would be to install additional treatment.

In responding to Director Hollister's concerns, Administrator Lastimoza added that the 30days would allow the PWS time to correct the problem, perform a re-test, or conduct an investigation to determine if it is an isolated result. Administrator stated diieldren is listed as a probable carcinogen not a known carcinogen so the risk is still deemed low at the 0.2 ug/L (ppb). Administrator stated, not that it isn't a health risk, but at 0.2 it is a long-term exposure that would likely lead to a cancer risk and the likelihood of a person getting cancer in 30days is relatively low. Director Hollister stated but the point is we really don't know how much or how long it would take to cause problems. He also stated he understands the 30days for the PWS to correct the problem and not cause a panic but at the same time we need to provide a public notice before the 30days.

Chairman Carbullido asked why is the Tier 2 notification 30 days and not shorter. Ms. Bettis advised for the Tier 1 there will be a 24hrs public notification because it would be an immediate health risk if consumed. She also explained the 0.5 ppb mg per liter (which is over the 0.2 ppb) accounts for cancer risk. Anything above 0.5 there are other risks that may happen such as neurological therefore causing an immediate health risk. Ms. Bettis went on to explain that for the Tier 2 (0.2 ppb) there is a 1 in a 100,000 probable chance of cancer over long-term exposure in a person's entire life with no immediate health risk. Ms. Mendoza chimed and added that although the PWS has 30day to provide notice they normally provide notice immediately, as done in the past.



Both, Directors Castro and Moore-Lin inquired if this aligns with what other states are doing in terms of the notification period. Ms. Mendoza reiterated that dieldren is not regulated by EPA. However, based to the lab results received by the agency, which shows the presence and increase of dieldren over the last 20yrs, this prompted the SDWP to do research and propose the IAL for dieldren.

The SDWP researched on what other states are doing and also worked with EPA R9 to come up with the best possible interim action level. The IAL is in line with other states like Hawaii, Florida and Minnesota. Chairman Carbullido commented that there are two timelines: one is remediation of dieldrin and the other is notifying. Chairman added if it is not impractical to notify the public sooner the board can deliberate the 30day public notification. Ms. Mendoza advised based on the Public Notification Rule (which has been adopted) the Tier 1 is 24hrs and Tier 2 is 30days. Administrator Lastimoza noted page 8, second paragraph of the Draft Risk Assessment Document in regards to the notification requirements (document attached). Director Moore-Lin and Chairman Carbullido inquired if the board was to amend the draft rules, in regards to the notification period, would the agency have to restart the process of the 45day comment period again. Director Moore-Lin stated she thinks it would have to and commented that the board can approve the draft risk assessment, as presented, and amend the notification period in the future and restart the whole process again and in the meantime these IALs and rules would be in effect until the second public comment period. Ms. Mendoza stated, "Correct. Because this is what we provided to the public in the public hearing and we can't make any changes because then you didn't give a chance to the public to make comments regarding the public notification." Director Moore-Lin again commented that the board can amend it in the future but by not approving the draft the agency would not have the Tier 1 or Tier 2 notification process in the meantime. Administrator Lastimoza stated "Or you don't approve and add comments and then do the 45-day public comment".

At this time the Board went over the comments that was received during the 45day comment period.

****A copy is attached****

Vice Chairman Carrara shared his thoughts on how he wished Guam EPA has an in-house counsel because it being an administrative procedure. VC Carrara stated the draft was put out for a 45day comment period, the agency received the comments and if the board decides to change the draft based on those comments, he doesn't think it would trigger a whole 45day comment period. However, there must be another mechanism to respond to the change otherwise the comments will be useless. Ms. Mendoza advised that this is the agency's first time to propose an interim action level so she is not aware of what the procedure is. Administrator Lastimoza advised, with all the revisions to our regulations, once the public comment period has ended the agency can chose to revise based on the comments or not. But the agency has never had another 45day comments period after receiving comments at the end of the comment period. Unless there is a major change, the draft can move forward or the agency can revise it based on the comments or not.

Director Moore-Lin inquired if any changes were made to the draft based on the comments received. Ms. Mendoza advice no changes were made. Chairman Carbullido inquired if we can get advice from legal counsel. Administrator Lastimoza advised reached out to the OAG requesting for an Assistant Attorney General (AAG), even on a part-time basis, to which his reply was he will discuss with his staff. Administrator stated the basis of her request was also to assist with all the unresolved NOV's.



Chairman Carbullido stated we can table the draft until the board can get clarification from the attorneys that if the Board was to amend the IAL, based on the comments received, does the draft need to go through another 45 day comment period. Director Moore-Lin inquired if the board tables it till next board meeting nothing happens but if the board approves it the draft gets implemented in which Ms. Mendoza agreed. Director Moore-Lin then stated she would rather have something in place than nothing at all. She added that the draft may not be perfect right now and the board may decide to make revisions in the future but if the board doesn't pass it the agency has nothing in place for another 30 days or more. Administrator Lastimoza also added that US EPA Senior Toxicologist also vetted the draft. Director Moore-Lin requested the Chairman to put the matter to vote and have the board members vote as they feel. Administrator Lastimoza inquired if the board does not approve the motion is the board able to revisit it does it kill it. VC Carrara also advised he does not know. If the motion gets denied, it becomes an action and a final decision. Ms. Mendoza advised that we have over 100 analyzed contaminants that the drinking water program regulates in which samples are collected by the PWS. Dieldren is an unregulated contaminant so this is just adding this one contaminant to the existing regulated contaminants. Ms. Mendoza stated we are treating this just like lead or PFAS in regards to compliance. The contaminants of the analyte that is regulated under US EPA which we adopt by reference which is an MCL (Maximum Contaminant Level). MCL's are created by US EPA and this is why the agency is recommending an IAL which we have the authority to do under our statutes. The compliance and monitoring is exactly the same for all the other 100 contaminants we regulate now. The only difference is "Do Not Drink without Treatment." Ms. Mendoza added this forces the PWS to fix the problem at the same time. So not only are we informing the public of the issue but we also saying the problem needs to be fixed. This is no different than any other regulated contaminant that we are regulating now.

VC Carrara wanted clarification that the board wants to impose an additional requirement on dieldren (an unregulated contaminant) that is not imposed on the other regulated contaminants. He also stated it is better that we have the IAL in the mix and have it tested than to try and push it above the other regulated contaminants or reinvent the wheel. Ms. Mendoza added that because dieldren is an unregulated contaminant the agency needs to come up with our own action levels. She also added that the agency is proposing this IAL but everything that comes after that is the same as all the other 100 regulated contaminants because it works. Ms. Mendoza stated we know what the requirements are we just need to enforce it.

Director Hollister inquired on how many wells, at this current time, have 0.2 ppb or higher on Guam. Safe Drinking Water staff advised we have 3. Director Hollister asked if anyone would like to drink that water for 29 days, before the notice came out, if they knew about it. Director Moore-Lin stated no. Director Hollister agreed on what was deliberated and he understands it's better to have something in place than nothing but he does not know how hard it will be to make amendments down the line. But for as long as the agency know who we can hold accountable if they don't inform the public. VC Carrara inquired if there is a preference to have it in effect now.

Ms. Mendoza advised yes because if we don't US EPA may step in and regulate it themselves but we don't know what they will do. Director Moore-Lin advised we already have a lot of disparity on island in terms of breast cancer and other ailments, especially for Pacific Islanders, so she would rather have something in place than nothing. Ms. Mendoza guaranteed that if this becomes an IAL the PWS, especially for those 3 wells that are 0.2ppb, will do everything to correct the problem by issuing a



public notification but they will add additional treatment to correct the problem. The agency is already working with the PWS because they know the IAL will be deliberated on and even if it doesn't pass the PWS is already working on mitigation.

Chairman Carbullido asked if there is a motion. Director Castro made a motion to adopt the IAL of dieldrin as presented by the SDWP, seconded by Director Moore-Lin. Chairman Carbullido opened up discussion for the motion.

Chairman requested what are the details of the motion; what are the complete dieldrin rules that GEPA is proposing. The board then went through the Draft Risk Assessment Document: Proposal to Establish Interim Action Level for Dieldrin – June 10, 2024 Revised November 20, 2024 document. Julie Mendoza noted this document are the rules that GEPA is proposing to the board.

Chairman stated the board needs legal counsel to answer questions like 1) If the board was to approve or disapprove the IAL does the board have an option to be more strict or go through another 45day comment period 2) If the board disapproves the IAL can it be brought back up before the board again. Director Hollister also stated he wants to add on to the motion that the board can revisit the 30day period at another time. The board inquired if the comments were addressed and were the responses provided to the individuals providing comments. Ms. Mendoza advised the responses were internal and it was not provided to the individuals providing comment. Administrator Lastimoza advised in our AAA process we've never had to provide comments. Administrator stated basically the agency would justify whether it's a valid comment to make revisions to the regulation or not. We don't normally put out a response to the comments. Ms. Mendoza advised she also received direction from Acting Deputy Administrator, Nic Lee. VC Carrara stated he does not have a problem with the IAL as proposed but was wondering if this procedure (e.g. not providing comments to the commenter for them to respond to) that would be subject to the challenge. Chairman Carbullido advised he agrees to have a baseline regulation and discussion will continue to see if we will have stricter regulations than what is proposed. Chairman would like to have legal counsel available to answer questions.

After much deliberation, Chairman Carbullido asked Fran to restate her motion. Director Castro made a motion to adopt the IAL of dieldrin as presented by the SDWP in the Draft Risk Assessment Document: Proposal to Establish Interim Action Level for Dieldrin – June 10, 2024 Revised November 20, 2024 document, seconded by Director Moore-Lin. All in favor, zero opposed and motion passes.

NOTICE OF VIOLATIONS

Director Castro inquired if only 3 NOV's were issued during 2024. Board Secretary, Arlene Acfalle, advised only 4 NOV's have been reported to the Board for 2024. Administrator inquired if the list of NOV's are unresolved. Chairman advised these are the NOV's that are currently open on the agency website. Ms. Acfalle advised there are some NOV's that have been closed but it needs to be updated or corrected on the website. Mr. Glenn San Nicolas advised the agency has over 100+ citations that were issued but it is an enforcement action. Director Moore-Lin stated she would like to see the status of the Verona NOV. Mr. San Nicolas advised the status of Verona is it went under bankruptcy and the agency needs to determine who the new owner is however, the cleanup process has already started. The agency needs to figure out if the new owner would assume the liability from the previous owner.



Director Castro inquired if the chief engineer position will be filed. Administrator advised we are engaging with US EPA to find a chief engineer under the US Public Health Service. Ms. Connie Afilleje also stated the agency submitted a recruitment to DOA and we are waiting on them to announce the position.

It is noted that there are no new NOV's or appeals reported at this time.

New Meeting Date/Adjournment: Next meeting was set for December 19, 2024 at 4pm. Director Fran Castro made a motion to adjourn the meeting and seconded by Director Steve Hollister. All in favor, zero (0) opposed, and regular meeting adjourned at 5:33pm.

Arlene M.S. Acfalle
Acting Board Secretary



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
ALL LIVING THINGS OF THE EARTH ARE ONE • *MANUNU TODU I MANLĀLĀ'Ā*

 Like and follow [guamepa](https://www.facebook.com/guamepa)