



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, September 26, 2024**

MINUTES

- **Call to Order:** Chairman Carbullido called the Board of Director's meeting to order at 4:08 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 (attending virtually from Hagatna)

Quorum has been established

Guam EPA Staff: Nic Lee, Arlene Acfalle, Connie Afleje, Malia Tom, Glenn San Nicolas, Margaret Aguilar

- **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 August 2024 Meeting Minutes:** Director Hollister made a motion to approve the August 2024 meeting minutes, seconded by Director Castro. All voted in favor, zero (0) opposed and motion passes.
- **Administrator's Report** - Provided by Acting Administrator Nicolas Lee

ADMINISTRATIVE:

Personnel:

- **RECRUITMENT:**
 - Chief Engineer and Environmental Inspector Supervisor pending announcement
 - Five selections made to fill permanent EHS 1 positions
 - One selection made to fill permanent Chemist 1 position
 - Certification Eligibility Lists received for a Computer Technician and Environmental Technician - interview scheduling is ongoing
 - Upcoming recruitment: Agency preparing recruitment for promotions to EHS 3
- As of 09/20/2024: there were **55 FTEs** (Full-Time Equivalent)



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Budget/Procurement:

- **UPDATE:** GALC arrears for operations building lease will be satisfied - reconciliation of the total of the arrears has been satisfied - payment has been submitted to DOA, total cost is \$320K and this will cover Guam EPA till end of FY 2024.
- NEW Brownfields funding awarded: \$815,353.00
Potential project funded: Ypao Point ESA Phase 2, inclusive of testing soil, soil gas, and/or groundwater for possible contamination and some cleanup

Agency Headquarters:

- **UPDATE:** Architect and engineering RFP bids were submitted to DPW on August 6.
Evaluation ongoing

EPA Region 9 Program Manager on island September 16–27:

- Mr. Carl Goldstein is conducting mid year performance evaluations with every program in the agency to ensure that workplan goals and milestones are being met
- In addition to program meetings, Mr. Goldstein also met with Governor Leon Guerrero, GWA and GPA

Administrator Travel:

- Administrator is on travel to perform market research on laboratories in CA and OR to ensure successful design, construction and operation of our new lab - she returns Sept. 27

POLICY:

UPDATE: Bill 249-37: Authorizing Guam EPA and the Guam Coastal Management Program to hire Environmental Law Attorneys – Bill was placed on September Session Agenda after being referred back to committee during previous session

- Agency supported measure and urged its passage
 - Bill amends the Guam Environmental Protection Agency Act codified in 10 GCA Chapter 45 by adding a section to authorize the agency to hire a classified attorney for its exclusive use with use of federal funds
 - Agency provided information to the legislature which detailed the benefits of having legal counsel to provide guidance on NOV's, rulemaking, interpreting statutes, open government and procurement through RFPs and contracts
- Bill was amended to strike out any recruitment and instead authorize the agency to seek professional legal services via RFP
- Bill moved to third reading

Confirmation Hearing – Cathleen Moore-Linn Nominated to the Guam EPA Board – September 5

- Agency supported the nominee
- Moore-Linn is the current executive director of the UOG Research Corporation
- Confirmation is on the September legislative agenda

PROGRAMS/PROJECTS/PARTNERSHIPS:

Agency Entering into MPA with GWA to Provide \$500K from EC-SDC Grant for PFAS Baseline Monitoring– September 6 :

- MOA + GWA QAPP approved by administrator and routed to GWA GM on September 6
- \$500K will go towards analysis costs of the PFAS compounds which have legally enforceable MCLs or MCL His
- Funds cover monitoring through April 2027



- This is a three year process and is performed to comply with PFAS rule under the National Primary Drinking Water Regulations authorized by the Safe Drinking Water Act

AAFB Issued a response letter from AAFB relative to the August 7 Letter of Deficiency Countersigned w/ Region 9 – September 13

- AAFB had 45 days to respond to the letter
- AAFB now requests an extension to respond to the deficiencies and requested a meeting with Region 9 and Guam EPA to go over a potential timeframe to address deficiencies:
 - Alternative technology study and evaluation, Waste Analysis Plan and Implementation a public notification website for OD events
- Agency is still reviewing the contents of the letter

Agency spoke at the Guam Contractors Association General Membership Meeting – September 18 :

- GCA briefed on permitting performance, updates, future outlook and Guam PL 37-105

Director Castro inquired if the agency has done any outreach. Acting Administrator Lee advised the agency has started to by providing letters to inform contractors and although we would like to use the social media platform to drive the outreach the population of contractor's who need this messaging are not on social media. The agency will eventually use the newspaper outlets but for now it will start at the permit center window.

Agency submits comments on the the Guam Wildlife Refuge Facility Construction EA – September 23

- Comments were specific to the section of which details plans for wastewater disposal
- Agency commented that the proposed use of advanced nitrogen-reducing onsite systems and holding tanks comply with Guam PL 37-105
- Footprint of the property is outside of the groundwater protection zone (GPZ)

Composting Workshops Hosted by Guåhan Sustainable Cultures in Collaboration with MCOG and the Agency starts September 26 :

- Workshops made possible by the SWIFR grant award received last year
- GSC chosen as the sub-awardee and has released a schedule beginning with Sinajana Mayor's Office, Hågat Mayor's Office on 10/3 - both 5:30pm to 7pm
 - For more information, call 671-734-4721 / 671-987-1296 or email: villagecompost@gusustainable.org

Acting Administrator Lee advised that addition to teaching the community about composting the other goal is for data collection and landfill diversion to give the community a chance to produce their own compost at home.

Chairman inquiring about composting in the community. Mr. Glenn SN advised there is no community composting events right now. As per the regulation 3 households can compost without a permit everyone else would require a permit to compost. Mr. San Nicolas advised we are working with Senator Perez to try and amend that definition to try and exempt farmers however if they are going to be in the business to provide service and charge a fee they may be required to obtain a permit. Mr. San Nicolas stated likewise with businesses, mainly on base, the trend right now is to obtain a permit to manage their green waste on-site because they are required to retain all the green waste for beneficial use for swells, erosion control measures, composting and mulching.



Chairman inquired if this composting workshop is only for green waste. Mr. San Nicolas advised it is for food and green waste with the intention of residents being able to compost at home and to use the compost to plant fruits and vegetables encouraging food security as well.

Acting Administrator Lee also pointed out this is in partnership with MCOG and stated that the remaining \$500K from the FY24 \$1.5Mil appropriation is with MCOG and was confirmed by Mayor Jesse Alig. Acting Administrator advised now that the new FY25 budget has been signed into law, we want to get a jump start on the process and hopefully have the MOA drafted to be included in the next (October) board meeting. Acting Administrator added that the agency looks to schedule a meeting with the newly appointed MCOG President, Georgine Arceo, to get familiar with her management style and to share our concerns and what the agency expects when the funds are with the mayors.

Chairman inquired on what the amount was in the FY25 budget for MCOG from the RRF. Acting Administrator Lee and Connie Afilleje advised it is still \$1.5Mil. Chairman inquired if the unused FY24 funds gets rolled over to FY25 on top of the appropriated \$1.5Mil. Ms. Afilleje advised the FY25 budget states funds from FY24 that are not encumbered (tied into a purchase order) can roll over.

UPDATE: Establishment of Interim Action Levels for Dieldrin Released – As of August 23:

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
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: August 26 – September 20

PERMIT TYPE	APPLICATIONS*	ISSUANCES**	HOLDS***
Building Permit Clearance	37	25	9
Clearing/Grading Clearance	6	13	0



Occupancy Clearance	12	14	0
Underground Injection Control (UIC) Permit	1	1	0
H2B Clearance	6	8	0
Well Operating Permit	0	0	0
Well Abandonment Permit	0	0	0
Well Drilling Permit	3	3	0
Test Boring Permit	6	14	0
Application Review Committee (ARC) Review	6	8	0
Aboveground Storage Tank (AST)	5	5	0
Underground Storage Tank (UST) Permit	0	0	0
Solid Waste Management Permit	0	0	0
Wastewater Collection Permit	0	0	0
TOTALS	82*	91**	9***

Applications received between August 26, 2024 through September 20, 2024.

****Includes approved permits and clearances granted to applications submitted prior to August 26, 2024.**

*****Includes permit and clearance holds applied to applications submitted prior to August 26, 2024.**

Chairman inquired what update was provided to Guam Contractor's Association (GCA) during their meeting. Acting Administrator Lee advised we provided a snap shot of the applications we have reviewed and approved over the last 3yrs. The agency also discussed the impacts of the MILCON projects and agency resources. Chairman stated based on the numbers from Dec 2023 to present their looks to be 800+/- permits that were received and pushed out however the feedback from the community is it takes approximately 3 months for review. Acting administrator chimed in and stated it depends on who the individual is talking to and added that he has signed a great number of permits and for a residential home construction the average is 37days. Chairman inquired from the time a permit is submitted when does it get its first eyes looked at. Acting administrator advised depending on which program it could be immediately. The program that is backed up the most is water pollution control (WPC) especially when they have to consider the erosion sediment control plans, the clearing & grading aspect of the project etc. Chairman asked how backed up is their review. Acting administrator advised in addition to the permit load from civil and commercial construction the agency has received 55 DoD project permits from January to present with some plans being a thousand pages, so the program is currently backed up. Acting administrator stated from date of submission to when WPC looks at the permit is approximately 3 weeks. Mr. Glenn SN advised from the solid waste program side once they review the plan and there is a deficiency they communicate with the contractor. Once all programs are done with their review the WPC program consolidates the responses from all programs into one letter to



the contractor or owner. Acting administrator stated the agency has 6 engineers for the entire island. Just to give a picture of the efforts that those 6 engineers are putting into review, it's a lot of work for 6 people. Acting administrator added it doesn't seem like it's going to get any quicker especially as the DoD projects ramp up. Acting administrator stated it's competitive for engineers so we will see what happens with the chief engineer announcement. Even with the above step salary it may not be competitive with the federal government salary. Also, the engineering staff for the agency is an aging workforce with some of the engineers nearing retirement. The Chairman noted that the current water division has a large workload and that they need more employees.

Acting Administrator advised, in discussion with Administrator Lastimoza, for the permits that do not require an engineer's review we may train up an EHS series to take that over and alleviate some of the pressure off the engineers.

Chairman Carbullido opened the floor for questions or comments.

Director Hollister inquired if the agency has 1yr to figure out how the advanced nitrogen system will be permitted. Acting Administrator Lee advised the agency has 1yr to formulate the rules and regulations. The agency currently has interim permitting authority and we do have a draft rules and regulations that we intend to adopt with the Board's approval. The permitting authority is tied to the draft regulations for everyone who has to comply with PL37-105. Acting administrator Lee advised the agency has sent out close to 20 HOLD letters informing the contractors that they need to comply with the new law.

Notice of Violations – No new NOV's or appeals reported at this time.

New Meeting Date/Adjournment: Next meeting was set for October 24, 2024 at 4pm. Director Hollister made a motion to adjourn the meeting and seconded by Director Castro. All in favor, zero (0) opposed, and regular meeting adjourned at 4:45pm.

Arlene S. Acfalle
Acting Board Secretary



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