



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, April 18, 2024**

MINUTES

- **Call to Order:** Chairman Carbullido called the Board of Director's meeting to order at 4:07 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 Guam EPA Conference Room
Director Danny Taitingfong	- Present – Attending virtually

Quorum has been established

Guam EPA Staff: Michelle Lastimoza, Nic Lee, Arlene Acfalle, Connie Afilleje, Roland Gutierrez, Margaret Aguilar, Sabrina Cruz-Sablan

General Public: David Castro (Daily Post), Katherine Kakigi (GSWA)

- **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 February 15, 2024 Minutes:** Director Castro made a motion to approve the February 2024 meeting minutes, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passes.
- **Continuation of GSWA Cost Proposal/ Reimbursement for FY24 Recycling Program – *Copies are available upon request*** Present for GSWA was Ms. Katherine Kakigi.

Chairman advised during February's meeting there were three main questions, in regards to the law, that the board had questions about.

The first item was the cost proposal plan in which the Chairman stated this has been clarified and that the Administrator has communicated that she has reviewed and has approved the proposed cost proposal plan.

The other question was whether or not the GSWA can submit invoices quarterly. Administrator advised the appropriation is made annually not to exceed \$400K but the billing is not necessarily on an annual



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 MANI'ALA'LA'

 Like and follow guamepa

basis. Administrator added by the legal interpretation that she received, GSWA is able to bill quarterly and Guam EPA is also able to pay quarterly so long as it doesn't exceed the appropriated amount of \$400K.

The last question was the clarification of GSWA total cost proposal. Administrator advised the cost proposal that was presented by GM Irvine Slike on February's board meeting showed was for the full costs of the program.

Director Castro also noted that the board's comment to have GSWA revise the proposal to show GSWA's total cost as required by law and add an additional line item to reflect what is coming before the board for approval which is the amount of \$400K, has been done.

Director Castro made a motion to approve GSWA work plan/cost proposal and the payment of the 1st Quarter reimbursement in the amount of \$98,897.06, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passed.

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

ADMINISTRATIVE:

Personnel:

- **EHS Supervisor selections made** - Mevany Hecita, EHS II will lead Pesticides Enforcement Program, Michael O'Mallan, EHS III will lead Hazardous Waste Management Program.
- **Environmental Inspector interviews complete** – selection made, please welcome Melanie Mendiola, starting on April 29, 2024
- **UPDATE on CMDR Degrange:** On target to report to Guam EPA on May 1 as the agency lab director - official duty station orders issued as of March 7. Direct Payment has been made to USEPA in time to process CMDR Degrange's relocation.
- Agency submitted **recruitment requests** to fill vacancies under the EC-DC grant:
 - o 5X EHS I's, 2X Biologists, 2X Environmental Techs, 1X Chemist I, 1X Chemist III for departmental hire
- Agency has received 1 letter of resignation this week; Clerk III assigned to the Permit Section. Another employee assigned to that section is currently on military leave, which leaves just 1 employee for permitting. We have requested that the desk at the BLPC be temporarily closed and have all customers routed to the GEPA Administrative Offices for processing.
- As of 4/15/2023, there were **51 FTEs** (Full-Time Equivalent)

Budget/Procurement:

- All FEMA reimbursement documentation completed - approval is pending FEMA review
- **UPDATE** on work with GALC to satisfy **arrears** for operations building lease:
 - o Administrator appeared before the GALC Board on March 13
 - o Administrator discussed and acknowledged the months of arrears that Guam EPA owes. This amount differs from the GALC account by over \$100K. Guam EPA provided supporting documentation to GALC for reconciliation.
 - o Administrator advised the agency continues to make payment and is not behind on current payment for the operations building

Agency Headquarters:



- UPDATE: US EPA contractors on island and performing some cleanup work and removed 4 waste piles from the Dededo site
 - o 8000 tons of contaminated soil and debris shipped off
 - o 1500 tons of solid waste hauled off to Layon
 - o Agency must deal with mixed debris and tires still onsite
- Efforts still underway with DPW to move forward with soliciting architectural and engineering services for new building

Permitting:

- For the period from February 13, 2024 to March 15, 2024:
 - o 67 permit applications were submitted
 - o 10 permits placed hold
 - o 51 permits were signed and approved
- For the period from March 18, 2024 to April 17, 2024:
 - o 77 permit applications were submitted
 - o 11 permits placed hold
 - o 17 permits were signed and approved

POLICY:

Agency Attends Legislative Informational Hearing – April 3

- Senator Perez held the informational briefing on:
 - o Updates on GEPA's Dieldrin Regulations
 - o Updates on USEPA'S Proposed PFAS Maximum Contaminant Levels and Open Burn/Open Detonation Rules
 - o Zero Waste Initiatives, Fund, and Regulations
 - o Updates on Plastic Bag Ban
 - o Status of Waste and Used Oil Removal
- Agency was represented by the administrator, air & land administrator Roland Gutierrez, and EHS II/SDWIS administrator Julie Mendoza

Bill 269-37: Relative to Standardizing Labeling and Testing of Bottled Water – Introduced on April 15, No hearing set

- Bill mandates that the Agency shall conduct, once annually, random inspections on bottled water products that are subject to regulations by the FDA under the Federal Food, Drug, and Cosmetic Act (FFDCA) which is under the purview of DPH Environmental Health.
- Additional Agency mandate is that the Agency shall conduct, four (4) times annually, random inspections on bottled water products that are not subject to regulations by FDA under the Federal FFDCA.
 - o Estimated 130 water vendors, at one random and proposed 4x/year is 650 inspections, or 2.5 inspections/day for every fiscal year.
 - Who will pay for inspection, sampling, and testing?
 - o Currently inspections for sanitary surveys for public water systems are every 3 years and for 700 contaminants.
- The inspections are expected to be performed to analyze for levels of contaminants levels in excess of those allowed under the federal Safe Drinking Water Act and applicable US EPA rules and regulations.
- Bottled water may be recalled if they are found to contain contaminants which exceed SDWA levels
- Water bottled locally will be subject to label requirements set forth in the bill's provisions



Bill 249-37: Authorizing Guam EPA and the Guam Coastal Management Program to hire Environmental Law Attorneys – Public Hearing held March 13, 2024 – Bill placed on April Session Agenda slated for April 19

- 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.

PROGRAMS/PROJECTS/PARTNERSHIPS:

Train-The-Trainer Workshop for Basic Training-A (BT-A) – April 18–19

- BT-A is required for employees who apply general-use antibacterial, antimicrobials, sanitizers, fungicides, disinfectants, and pesticides as part of their occupational duties.
- Training is being conducted by the Agency in partnership with the University of Michigan and US EPA
- Nearly 50 participants are registered for the training

Guam Aquaculture Innovation Center (GAIC) Meeting with GEDA – February 24

- Met with GovGuam stakeholders to discuss grant funding for aquaculture through the US EDA - including UOG, BSP, DLM and DOAg,
- GAIC is sought to provide opportunities for food security, economic diversification, sustainable fisheries stock fish to replenish reef stock and allow for more local purchase and consumption of homegrown fish
- Guam EPA will provide support in permitting, NEPA process, and environmental assessment once the project is in its permitting phase
- Notice of funding opportunity (NOFO) grant is still pending

Update on Machananao Elementary School Lead-free compliance – March 5

- 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 March 1, a follow up inspection and review of follow-up WERI analysis report was performed for faucet and valve replacement at Machananao Elementary School
- Guam EPA cleared the affected sink for use after the inspection and review of results

Draft Tumon Bay Total Maximum Daily Load (TMDL) Developed

- TMDL developed by US EPA contractor (for Guam EPA) via technical assistance funding
- TMDL favorably reviewed by US EPA

Chairman Carbullido noted that the TMDL was not provided to the Guam EPA Board. Administrator advised she will table this discussion to verify why it has not been provided to the board.

26th Micronesian Island Forum Planning

- June 3-5, 2024 at the Hyatt
- Pacific Islands Regional Recycling Initiatives Council (Working Group)
 - Meeting May 30-31, 2024 at GCC
- The MIF registration is open please visit : www.guamgreengrowth.org/mif

Pacific Islands Environmental Directors Meeting (PIEDM)



- Tentatively scheduled for August in Honolulu, HI

Chairman Carbullido opened the floor for discussion.

Personnel and Permitting:

Chairman Carbullido inquired on the chief engineer position formerly held by CAPT. Brian Bearden who separated from the Agency early February 2024. Administrator advised the agency is currently working on recruiting for that position at an above step recruitment so that we may attract potential candidates.

Chairman Carbullido asked what happened to the pace from March 18 to April 17 in regards to permit processing. Administrator Lastimoza advised that the agency had some staff on personal leave and the chief engineer had relocated to CNMI. The Chairman noted that the quantity of permits were still being processed relatively timely after Brian left (67 submitted, 61 reviewed the period month after Brian left), but that it plummeted for the period from March 18 to April 17. The Agency noted it was because the Acting Chief Engineer was on leave. The Board noted that there needs to be redundancies so that if one person is on leave, there is not an effect this large on operations.

Administrator Lastimoza advised that there is a plan to hire engineers to include a chief engineer. She added that there is a process to request for an above step recruitment, and even at that, it is still not a competitive salary range even at step 10.

Chairman Carbullido and Director Casto both asked to explain what stage the Agency is at in the announcement process. Connie Afilleje advised that the agency would process the GG1 for recruitment through BBMR and DOA. DOA will then sort out the paperwork through classification and send out the announcement. From there the announcements get advertised for a period of 2 weeks in which applicants may apply. DOA then evaluates the applications. If we get a sufficient listing of 5 then DOA will let the agency know that they have a certification packet. If there is an insufficient listing (which is less than 5) DOA will notify the agency. The agency would either request for the insufficient list or request that the announcement be placed on a continuous list with DOA until they can establish a sufficient list.

Chairman Carbullido inquired if we are past the 1st step of the GG1 process. Connie advised all the recruitments that was mentioned by the Administrator has been sent to DOA. Chairman Carbullido inquired on the engineering and permitting positions. Connie advised that she will be working on those positions when she returns from leave next week. She will work with the Administrator and Deputy to get the PDQ (position description questionnaire) out especially for the chief engineer position since Guam EPA will be requesting for an above step recruitment. Chairman Carbullido asked for the position descriptions to be completed before next month's meeting.

Director Castro inquired on the funds that were used to pay the salary for Guam EPA's former legal counsel. Administrator advised the agency is no longer making payments.

Agency Headquarters:

Chairman Carbullido inquired on the contaminated soil that was removed from the Dededo property. Administrator Lastimoza advised the contaminated soil, from prior land use, was shipped off-island. Administrator stated that US EPA originally committed \$5Million towards the cleanup and remediation but due to Covid and Mawar the cleanup was delayed. US EPA just started cleanup of the site and what was initially



estimated with the \$5million has now increased to \$12million. US EPA had a budget of \$6Million however this has all been spent. Administrator added that the OSC (on-site coordinator) is going to go back and propose the additional workplan and hopefully get the additional \$6million to complete the cleanup and noted that US EPA has committed to not leave the cleanup unfinished.

Policy:

Director Castro inquired on the plastic ban update. Roland Gutierrez advised the plastic bag ban remains in effect with the eleven exceptions. The agency has staff actively going out Tuesdays and Thursdays to do plastic bag ban enforcement. On the week of May 2nd we will have a larger team go out to perform enforcement. Roland also noted that Guam EPA has the same staff to do solid waste investigations, complaints, citations as we do the plastic bag ban enforcement. No further funds were given to the agency for additional staff to enforce the plastic bag ban.

Chairman Carbullido inquired on the status of the dieldren topic. Administrator Lastimoza advised we do have interim action plan that was presented to the board. The agency is at the mercy of the having US EPA toxicologist come to Guam as part of the public hearing to be able to answer questions the public may have. However, due to some personal matters, the toxicologist will not be able to travel to Guam till sometime in May or June.

Chairman Carbullido inquired if we should have the public comment period before the public hearing in May or June as this is done for other public hearings by Guam EPA. Administrator added she will discuss it with the program and if the consensus is that we distribute the plan before the senior toxicologist comes to Guam, we can get a jump start on the comment period.

Chairman Carbullido also inquired on the update for PFAS regulations. Administrator Lastimoza advised the proposed MCL has been released however they have not developed a method for testing. Administrator added that Guam EPA had to hold off on purchasing the PFAC equipment as part of the agency's building capacity to start PFAS testing. But even with the proposed PFAS MCL's, implementation for enforcement will be about 2years which also includes where the agency will purchase lab equipment and also to do the sampling and monitoring. Administrator stated GWA will continue to test for PFAS under their parameters and added that GWA will bill Guam EPA so we may have those test results.

Chairman Carbullido went on to inquire on the OB/OD issue in which Administrator Lastimoza advised that US EPA permitting team will be on Guam next week from April 24 to April 26th. They will be meeting with our HazWaste Management program to go over the draft permit. The US EPA permitting team will also be doing site visits at Anderson Air Force Base (AAFB) and Naval Base Guam (NBG). The agency is also coordinating a meeting with two NGO (non-government organizations) that have concerns about cultural and environmental impacts from the OD (open detonation) operation. Proposed meeting date is Friday, April 26th.

Roland Gutierrez chimed in and advised that as part of our authorization, he received notification from US EPA that they received two proposals from contractors to assist in updating our regulations for primacy over Hazardous Waste. Administrator Lastimoza added that the draft permit will also include all of the new requirements under Subpart X for open detonation and the requirement to evaluate alternative methods for disposal.

Machananao Elementary:



Director Hollister inquired if the agency knows where the faucet was purchased as several NOV's were issued, in the past, to stores selling faucets that were not in compliance. Administrator Lastimoza advised she is not sure if it was the fixture or the solder that was used to repair the faucet. Administrator advised that the agency's safe drinking water program is going to re-implement retail inspections.

Administrator Lastimoza advised there is a new law that has not been introduced yet which will talk about the pre-certifications which will have the agency go back out and do water testing on all new construction. This process was revised in the past to streamline and reduce the delay of issuing occupancy permits. The agency's current process allows the contractor to provide evidence of lead-free fixtures that have been installed with its original packaging.

Chairman Carbullido and Vice-Chairman Carrara inquired if there are any updates to the existing NOVs or any new ones that have been issued. It has been noted there is none at this time.

New Meeting Date/Adjournment: Next meeting was set for May, 23, 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 5:01pm.

Arlene S. Acfalle
Acting Board Secretary

