Guam Environmental Protection Agency
Board of Directors' Regular Meeting
Thursday, May 21, 2026
Meeting Minutes

I. **CALL TO ORDER**: Director Steven Carbullido called the Board of Director's meeting to order from the Guam EPA conference room at 4:07pm. Roll call certified by Acting Board Secretary, Arlene Acfalle, as follows:

BOARD ATTENDANCE:

Chairman Steven Carbullido	- Present – in person
Vice Chairman Steven Carrara	- Present –in person
Director Fran Castro	- Present – Virtually calling from Ipan
Director Cathleen Moore-Linn	- Present - Virtually calling from Ipan
Director Heather Quitugua	- Present – Virtually calling from Hagatna

Quorum has been established

Guam EPA Staff: Michelle CR Lastimoza, Arlene Acfalle, Kristan Finney, Malia Tom, Peter Bautista, Juliana Mendoza, Nicole Diras, Elizabeth DeGrange, Connie Aflleje
General Public: Frank San Nicolas

II. **APPROVAL OF AGENDA:** Director Castro made a motion to approve the agenda, seconded by Director Carrara. All voted in favor, zero (0) opposed and motion passes.

III. **APPROVAL OF MARCH 2026 MEETING MINUTES:** Director Quitugua noted that Director Moore-Linn was not present during the March meeting and therefore could not have made the motion. It was requested that this be verified and corrected. Director Quitugua then made a motion to approve the March 2026 meeting minutes subject to these corrections, seconded by Vice Chairman Carrara. All in favor, zero (0) opposed and motion passes.

IV. **BOARD DISCUSSION / ACTION:**

a. **Notice of Appeal for Denial of License - Coffindaffer vs. Guan EPA / Case No. 25-0585** - Chairman Carbullido advised that Hearing Officer Staci Anderson is currently on medical leave, and the board has not yet received the necessary meeting packets or hearing briefs from either party to adequately prepare. Chairman Carbullido noted the Hearing Officer's team stated discussion on Notice of Appeal should be tabled and discussed when the Hearing Officer is back from medical leave and provides the documents for the board packet.

   Director Quitugua has expressed concern regarding the lack of documentation received to date and emphasizes the need to resolve this situation. Director Quitugua inquired on specific deadlines for these filings, including any relevant statutory time periods.

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Chairman Carbullido inquired with Guam EPA Legal Counsel, Kristan Finney, regarding any statutory deadlines for this appeal. Ms. Finney advised she is not aware of any deadlines but defers to the advisement of the hearing officer on this matter.

Additionally, Ms. Finney noted for the record that, as she represents the agency (Guam EPA) on this matter and she will decline further discussion on this case while the respondent's legal representation is not present.

Director Quitugua expressed concern regarding the lack of appeal information provided to the board, noting that compliance with deadlines and material submissions is essential for the board to take action. Additionally, she inquired about the hearing officer's off-island status, specifically whether she will return or if a replacement is available, as these factors impact the board's ability to perform due diligence.

Director Moore-Linn chimed in stating the Administrative Hearing Officer's Findings of Fact, Conclusion of Law, and Order from the OAG/ Superior Court of Guam in regards to the appeal of Mr. Charles Coffindaffer states Guam EPA has 60 days to comply.

Chairman Carbullido noted the document was not provided to the board directly by the hearing officer. It was provided by Ms. Kristan Finney, Guam EPA Legal Counsel to the Acting Board Secretary, Arlene Acfalle and is a departure from the procedure of what the board is used to.

Chairman Carbullido noted that the Guam EPA Board has not received an official informational packet from the hearing officer. Consequently, the Board is uncertain if the "Findings of Facts" currently in their possession is the final recommendation intended for their review and advice. Director Quitugua stated she is trying to understand the current process, and noted that the Guam EPA Board serves as the client and is to be advised by the hearing officer.

Ms. Finney clarified that a hearing has already taken place before the hearing officer. During this hearing, testimonies were presented, and both parties received copies of a decision that the hearing officer later noted is subject to board approval.

Ms. Finney expressed uncertainty regarding what briefs need to be provided. Additionally, while the meeting itself was noticed, she is unsure what specific notice Mr. Coffindaffer's legal counsel received or if they were particularly served with any documents. Ms. Finney stated her intent is to clarify that the hearing has already occurred, and she does not wish to present further arguments at this time.

Chairman Carbullido clarified that the request is for existing documents already submitted to the hearing officer, not for the creation of new ones. Additionally, Director Castro noted the document lacks a court stamp and may be an informal draft rather than an official filing.

Director Quitugua stated that the hearing officer was supposed to present her findings to the board before a vote or agree with the recommendation could take place. Due to the hearing officer's absence, the board cannot currently proceed with this step.

Director Quitugua expressed concern regarding potential deadlines and emphasized the importance of the board having all necessary information to avoid procedural issues. She also noted her hope that this delay is an isolated incident. Chairman Carbullido agreed with these concerns and stated that, to his knowledge, there are no immediate deadlines being missed.

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Director Quitugua inquired with Ms. Finney if there is a certain period of time in which the board has to enter a decision in this administrative process. Ms. Finney stated she is not aware of any but again reminded the board that her role in this matter is to advise the agency (Guam EPA).

Vice Chairman Carrara advised the recommendation states to refer it back to the agency for further action and doesn't think there is a deadline on it.

Director Quitugua advised the Administrative Hearing Officer's Findings of Fact, Conclusion of Law, and Order is dated March 25, 2026 and we are already in May. Chairman Carbullido gave a brief timeline on the history of the document.

- March 2026: Document sent to legal counsels for Guam EPA and Coffindaffer.
- March 2026: Acting Board Secretary received the document from Ms. Kristan Finney.
- March 31, 2026: Document sent to the Board Chairman.
- April 2026: Document sent to the Guam EPA Board of Directors.
- April 2026: Guam EPA requested the April board meeting be postponed due to post-Typhoon Sinlaku recovery. The Chairman asked the Hearing Officer if this request is acceptable. Hearing Officer asked both parties if there were any objections with postponing the April board meeting as requested by the Agency due to their efforts on Typhoon Sinlaku recovery work. No objections were submitted.
- March – May 2026: Acting Board Secretary attempted to obtain the packet from Ms. Staci Anderson for the board meeting.

In this instance, Chairman Carbullido suggested that both parties be compelled to submit their briefs directly to the Board Secretary, rather than waiting for the hearing officer as she is on medical leave. Director Quitugua noted that if both parties have followed the standard process of submitting documents to the hearing officer, it is unclear if the Board has the authority to change this requirement. She recommended reaching out to the OAG and the hearing officer to formally request the documents that led to the current findings and conclusions. Chairman noted that the Board Secretary has made multiple unsuccessful attempts to obtain these records from the Hearing Officer. Director Quitugua reiterated that, as the hearing officer she represents the Board, and these documents should be made available to us as their client.

After further discussion, the board agreed to have a continuation meeting scheduled for Tuesday, June 9, 2026 at 4pm.

b. **Tutujan Holdings Guam LLC (Palisades vs. Guam EPA)** – Chairman Carbullido noted there is an agenda topic regarding whether this case will be heard by the hearing officer alone or with the Guam EPA Board; proposed schedule and attendance of hearing.

Director Quitugua noted that it would be beneficial to hear the case given recent developments. Director Castro inquired whether a hearing date has been established; however, Ms. Finney advised that no date has been scheduled yet.

VC Carrara stated he wasn't planning on the board being present for the hearing and added that he was under the impression that the hearing officer was supposed to hear the case and provide its recommendation to the board. VC Carrara advised as a potential conflict of interest that he has known Mr. Bill Beery for 20yrs and also knows the owners of the development. VC Carrara also stated not that he can't be impartial to it but it's something that he needs to disclose.

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Board discussion included:

Quorum and Recusal: Chairman Carbullido requested clarification on whether five members are still required for action if one member must recuse themselves.

Attendance and Open Government Law: The Board discussed whether joint attendance at hearings requires compliance with open government laws. Administrator Lastimoza inquired about public notice responsibilities if such attendance constitutes a public meeting. Director Castro inquired whether a hearing has been established to which Ms. Finney advised no date has been scheduled yet.

Hearing Participation: Director Quitugua suggested at least two members attend to review evidence given recent developments while VC Carrara noted that the Board's role is to review the hearing officer's findings rather than act as a jury. Chairman Carbullido expressed support for streamlining this process with the hearing officer.

Designation Language: The Board is reviewing whether to "designate" or "intend" to attend hearings. Ms. Finney advised that during the March status hearing, the hearing officer requested a list of Board members attending the hearing. Ms. Finney noted she was not issued a written order to clarify if members must "intend" or be "designated" to attend but it is to her understanding that a Board resolution naming these members is expected.

Ms. Finney also reiterated that her role does not include advising the Board on this specific matter.

Chairman Carbullido raised the question to the board of whether the hearing officer should preside alone or with the Board per the Administrative Adjudication Law

The Board has tabled further discussion on these matters until the continuation meeting when the Hearing Officer will be present to address the board's questions.

c. **Revise Risk Assessment Document (RAD) for Dieldrin Interim Action Level (IAL) Regulation -** CAPT. DeGrange advised when the agency (Guam EPA) implemented enforcement action starting in August 2025, it became apparent that we neglected to think through a few details in the (RAD). The agency wanted to go back and thoughtfully update the RAD which supports the IAL. CAPT. noted the IAL for dieldrin did not change nor did the levels that require a Tier I or Tier II notice. She stated what did change is what primarily happens after treatment is approved and put in place and so we made updates and is noted on the Summary of Changes which was presented to the board in the Fall of 2025.

CAPT. DeGrange added when the agency put this out for comment the first time we received significant comments from GWA requesting for clarification. The updates we made in addressing their questions and concerns were significant enough for us to put it back out a public comment and public hearing and noted the summary of changes also covers the updates that were made.

During the comment period, CAPT. advised we did receive additional comments from GWA which were basically around the same thing which was the "effective date". GWA's concern is the document still said effective August 1, 2025 and their concern was about Guam EPA trying to retroactively enforce back to August 2025.

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CAPT. DeGrange stated the agency is comfortable as to where the RAD sits and the next step would be to create maximum contaminant level's (MCL) and make this part of our regulations as we update water quality standards. **Copies of PowerPoint presentation, Risk Assessment Document and comments available upon request**

Director Moore-Linn made a motion to approve the Risk Assessment Document that was revised on May 11, 2026, seconded by Director Castro. All in favor, zero (0) opposed and motion passes.

ADMINISTRATOR'S REPORT – Provided by Administrator Lastimoza

ADMINISTRATIVE:

Personnel:

- As of 03/19/2026: **52 FTEs** (Full-Time Equivalent)

DIVISION	PROGRAM	EMPLOYEES
Administration	EXECUTIVE	4
Administrative Services	ADMINISTRATIVE	4
Administration	PERMITTING	2
Air and Land	SOLID WASTE	4
Air and Land	HAZWASTE	3
Air & Land	AIR POLLUTION	2
Air & Land	DSMOA	2
Air and Land	GREEN PARCEL	2
Air and Land	PESTICIDES	3
Air and Land	RECYCLING	1
Water	CHIEF ENGINEER	1
Water	WATER POLLUTION	3
Water	SAFE DRINKING WATER	4
Water	WATER RESOURCES	2
Water	INSPECTORS	4
EMAS	LABORATORY	3
EMAS	MONITORING AND ANALYTICAL	5
EMAS	SENIOR SCIENCE ADVISOR	1
EMAS	NON-POINT SOURCE	2
	TOTAL	**52**

Recruitment:

DIVISION / PROGRAM	POSITION	#	STATUS
WATER/ AIR AND LAND	ENVIRONMENTAL TECHNICIAN	1	Placed on continuous listing with DOA
ASD	ADMINISTRATIVE ASSISTANT	1	Pending Selection
AIR & LAND	AIR & LAND DIVISION ADMINISTRATOR	1	Pending DOA announcement
ASD	MANAGEMENT ANALYST IV	1	Pending DOA announcement
ASD	COMPUTER TECHNICIAN	1	Pending DOA announcement
WATER	ENGINEER 1	2	GHURA CDBG-DR GRANT

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AIR & LAND	ENVIRONMENTAL HEALTH SPECIALIST I	2	GHURA CDBG-DR GRANT
ASD	PROGRAM COORDINATOR I	2	GHURA CDBG-DR GRANT
WATER	PROGRAM COORDINATOR I	1	GHURA CDBG-DR GRANT
ASD	CUSTOMER SERVICE REPRESENTATIVES	2	GHURA CDBG-DR GRANT

Agency Headquarters:

- **UPDATE**: Ongoing discussions with Kunimoto Designs. A&E firm will have 6 months to provide a design for the new building
  - 30% design review completed
- Tires
  - Two Million tires
  - IFB for removal and disposal $4M approved by USEPA
  - IFB will be submitted by March 27, 2026
    - Contract for removing and disposing of used tires and scrap metal, including mobilization, equipment, labor, processing, site certification, and handling recovered materials for off-island shipment. Location: L10122-14NEW-R1, Guam, Estate No. 86370, Batulo St. Dededo.
    - Waiting on response from GSA

POLICY:

Public Hearing on Proposed Onsite Wastewater Treatment and Disposal System Regulations For Residential Septic Tank and Leaching System and Temporary Toilet Facilities

- 22 GAR 12 (Onsite Wastewater Treatment and Disposal System Regulations)
- Currently with the Legislature for review
  - 45 days – June 12, 2026
  - 90 days – July 27, 2026
  - Public Hearing May 29 at 8:15am

Public Law 38-114

- An Act to add a new article 15 to Chapter 77 of Title 12 GCA, relative to establishing the "Enhancing Tourism Aesthetics Program"
  - Meeting scheduled for Monday, May 18th at 2pm
  - Guam EPA will just be a consulting stakeholder

PROGRAMS/PROJECTS/PARTNERSHIPS:

DISASTER DEBRIS SITE

- Primary disaster debris site for Typhoon Sinlaku recovery in Guam is located at Oka Point, Tamuning (Old Memorial Hospital site), which is open daily from 7 a.m. to 6 p.m.
- Accepted Items (Oka Point): Vegetative debris (trees, branches), typhoon-related construction materials (lumber, roofing, drywall, bulky plastic), white goods (refrigerators, washers, stoves—must be empty), green waste, and metals
- Prohibited Items: Household trash (spoiled food), hazardous waste (oil, batteries, chemicals), and tires

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- Green Waste Sites: Multiple village sites exist for only vegetative debris, including the old carnival grounds in Tiyan and various village mayor-designated sites
- 7000 cars were reported
- Site closed May 1, 2026 at 6:00 p.m.

GREEN WASTE SITES

- Oka Point, Tamuning (also serves as the disaster debris site; see JIC Recovery Release No. 4 for a list of accepted items)
- Asan-Maina – Old Baseball Field (Open to Assan-Maina residents)
- Dededo – Ponding Basin (Open to the public)
- Dededo – Astumbo Park (Open to the public)
- Hågat – Old Bus Satellite Station Parking Lot (Open to Hågat residents)
- Humåtak – Mayor's Office (Open to Humåtak residents)
- Inalåhan – Next to Fire Station (Open to Inalåhan residents)
- Malesso' – Baseball Field (Open to the public)
- Talo'fo'fo – DYA Cottage Home (Open to Tal'fo'fo and Yona residents)
- Piti – Across Our Lady of Assumption Church (Open to the public)
- Tiyan, Barrigada - Old Carnival Grounds (Open to the public)
- Wusstig Road, Yigo - open as of Tuesday, April 21 (Open to the public)

COASTAL ASSESSMENTS

- Significant erosion along central post of the West Coast of Guam
- Significant damage to the Glass Breakwater

NATIONAL WETLAND CONDITION ASSESSMENT (NWCA)

- Collaborative national survey by the EPA and partners to monitor the ecological health of U.S. Wetlands
- Evaluates chemical, physical, and biological integrity, focusing on vegetation, soils, hydrology, and water quality to determine national/regional conditions and identify key stressors.
    - Botanist RFP has been reposted
    - No bidders

2026 INTEGRATED REPORT (IR)

- Biennial report required by the Clean Water Act (Sections 305(b) and 303(d)) submitted by the Guam EPA, which assesses the quality of the island's waters and lists impaired water bodies.
- Guam EPA revising the groundwater monitoring section of the IR to include and ddresses specific concerns such as military activities and water system issues.

GUAM STORMWATER MANUAL UPDATE

- Meeting May 11-13, 2026 to discuss updates

AREA 101

- The 842-acre Area 101 in Yigo, a formerly used defense site, was used as a bomb disposal site during World War II.
- USACE has begun the process of obtaining Right of Entry, or ROE, documents to start field investigations that will include surface and subsurface removal of munitions and debris within areas that posed a risk to the public.
- Over 600 parcels

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- Met in May 2026 for updates

MARINE CORPS BASE CAMP BLAZ

- Held MCBCB Environmental Summit on May 13, 2026 regarding Permitting for MILCON contractors

EPA R9 FOR PFAS AND PESTICIDE SAMPLING PROJECT

- Claire Ong of EPA R9 emailed on 04/03/2026 setting up a kick-off meeting with GEPA to discuss the scope of EPA's June 2026 PFAS and Pesticides sampling
- Focus on investigating potential sources for known contaminated drinking water wells (such as A-13, A-30, Y-15, M-4, and D-17), including source locations (e.g. near Agaña Shopping Center, landfills, wastewater treatment plants, fire training areas) and upstream and downstream of the affected wells.
- Planned sampling scheduled for week of June 1-5.
- Agency was informed by Congressman Moylan's Office that US EPA Headquarters approved $9.4 million specifically for PFAS monitoring and analysis.
- Administrator to clarify if this $9.4 million is new money for PFAS or if it's year 5 of our Emerging Contaminants Grant.

GEPA-USEPA-GWA Dieldrin Response

- Currently working with USEPA and Joint Region Marianas (JRM) on the investigation plan.
  - Draft SOW review in progress
  - USEPA visit in May
    - Discussed and agreed on the SOW Review Comments from GEPA and US EPA.
    - Discussed moving forward with Independent Government Estimate (IGE) and procurement process for GovGuam outside fence using same SOW. Also looking for funding sources.
    - Discussed COMMs plan for updates and public notices to the island
  - Legal Basis: Federal Facility Agreement (CERCLA § 120) requires investigation/remediation of contamination
    - Potential source: Former AAFB housing units (1950s-60s), demolished 2016-17. Soil Studies (2022, 2024 NAVFAC reports) found dieldrin exceedance in shallow soils.

GEPA-DPHSS-ATSDR

- Efforts on-going
- GEPA submitted data, waiting on response

RRF AUDIT

- OPA auditing the Recycling Revolving Fund (RRF) (5591001-619-00 / 361962201)
- Ongoing
  - Submitted expenditures for both the continuous and annual accounts for FY2017 to FY2025
  - Exit meeting held May 8, 2026
  - GEPA to provide response to all findings. Draft prepared

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GHURA Technical Assistance Workshop for Community Development Block Grant-Disaster Relief (CDBG-DR)

- On-going
- CDBG-DR grant
    - GEPA requested for inspectors, engineers, administrative assistants, customer service representatives, and program coordinators.
    - Job fair tomorrow 830am to 330pm at Agana Shopping Center
        - Two Customer service Reps hired and on board date June 1, 2026.

MARIANAS ISLAND CONSERVATION STRATEGY

- On-going
- Working Group formed towards developing the Draft Collaborative Conservation Commitment (CCC) and Programmatic Biological Opinion (PBO)
- Continued engagement with DOD, US Fish and Wildlife, and DOI focused on developing and promoting conservation and recovery initiatives for threatened, endangered, and at-risk species while promoting increased flexibility for military mission activities

INSPECTION ACTIVITY – MARCH 9 THROUGH MAY 8, 2026

DIVISION	PROGRAM	TYPE OF INSPECTION	# OF INSPECTIONS
AIR & LAND	AIR POLLUTION	Dust Control Generator	25 4
AIR & LAND	GREEN PARCELS	Project Site	4
AIR & LAND	SOLID WASTE	Building Permit Occupancy inspections Complaints Litter Citations Written Warning Court Hearing	43 14 53 1 3 2
WATER	INSPECTORS / WPC	Ocular, Septic & leaching, Grease trap inspections, complaints, H2, stormwater, compliance, UIC, Product / Irrigation wells and occupancy permits	130
WATER	SAFE DRINKING WATER	Lead Free Inspection	37
WATER	WATER RESOURCES	Well Inspections	12 (45 wells)
EMAS	MONITORING	Sampling	1
TOTAL	329		

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PERMIT ACTIVITY: MARCH 9 THROUGH MAY 8, 2026

PERMIT TYPE	APPLICATIONS*	ISSUANCES**	HOLDS***
Building Permit Clearance	22	29	0
Clearing/Grading Clearance	7	7	0
Occupancy Clearance	15	15	0
Underground Injection Control Permit	1	6	0
H2B Clearance	16	9	0
Well Drillers License	1	1	0
Well Operating Permit	0	1	0
Test Boring Permit	4	9	0
Aboveground Storage Tank (AST)	0	4	0
Underground Storage Tank (UST)	1	9	0
Solid Waste Management Permit	1	1	0
Wastewater Disposal Permit	3	3	0
Wastewater Collection Permit	NOT on WALTERS	0	0
MILCON	6	3	0
Highway Encroachment	0	1	0
Notice of Arrivals (Pesticides)	Not on WALTERS	214	0
Air Pollution	NOT on WALTERS	5	0
TOTALS	**77***	**317****	**0*****

***Applications received between March 9, 2026 and May 8, 2026**
****Includes approved permits and clearances granted to applications submitted prior to May 8, 2026.**
*****Includes permit and clearance holds applied to applications submitted prior to May 8, 2026**

NOTICE OF VIOLATIONS – Chairman Carbullido inquired if there were any new NOV's issued since last board meeting. Acting Administrator San Nicolas advised there were none.

Chairman opened it up questions or comments.

Director Moore-Linn would like an update on DPW's status on issuing the Request for Proposal (RFP). Administrator Lastimoza updated on a procurement perspective it's no surprise that the RFP is not issued. In discussion with DPW Management they stated that is something they are working on approve the scope of work and have the RFP issued.

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Chairman Carbullido advised the board there was an article today about the RRF Audit. Chairman stated for the record for:

- FY2025 at the October 2024 Board Meeting – Board approved the MCOG Expenditure Plan
- FY2024 at the February 2024 Board Meeting – Board approved the MCOG Expenditure Plan starting with $1Million
- FY2023 at the October 2022 Board Meeting – Board approved the MCOG Expenditure Plan
- FY2022 at the October 2021 Board Meeting – Board approved the begin executing the expenditure plans starting with $850,000
- FY2021 at the November 2020 Board meeting- Board approved to begin executing the Expenditure Plan starting at $500,000

Chairman added there was a statement that 52% of the fund or $6.3Million went to the program and to his understanding that is when the legislature started appropriating it and used the word shall so there is no discretion to increase that amount to bring the 52% closer to 100%.

ADMINISTRATIVE APPEALS STATUS – Update by Ms. Kristan Finney, Guam EPA Legal Counsel

- Tutujan/ Stella Maris – a hearing officer was requested to hear the appeal from the January 21, 2026 Notice of Violation – No update

NOTICE OF VIOLATIONS - Ms. Finney updated that the HazWaste Program issued three NOV's to:

- Guam Behavioral Health and Wellness Center (GBHWC) – Acting Board Secretary added a Notice of Defense has been filed and a Request for Hearing Officer has been sent to the OAG.
- Guam International Country Club (GICC)
- Applebee's

CONTINUATION MEETING – TUESDAY, JUNE 9, 2026, 4:00 pm

I. **CALL TO ORDER**: Director Steven Carbullido called the Board of Director's continuation meeting to order from the Guam EPA conference room at 4:04pm. Roll call certified by Acting Board Secretary, Arlene Acfalle, as follows:

BOARD ATTENDANCE:

Chairman Steven Carbullido	- Present – Attending virtually from Tamuning
Vice Chairman Steven Carrara	- Present –In person
Director Fran Castro	- Present – In-person
Director Cathleen Moore-Linn	- Present - Attending virtually from Ipan
Director Heather Quitugua	- Present – Attending virtually from Hagatna

Quorum has been established

Guam EPA Staff: Michelle CR Lastimoza, Arlene Acfalle, Kristan Finney, Malia Tom, Peter Bautista, Connie Aflleje
General Public: Staci Anderson, Leevin Camacho

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II. BOARD DISCUSSION / ACTION:

Notice of Appeal for Denial of License - Coffindaffer vs. Guan EPA / Case No. 25-0585 -
For presentation by Administrative Hearing Officer of (1) Stipulation and Order to Remand, subject to revision, amendment, and ratification by the Guam EPA Board of Directors; and (2) presentation by Administrative Hearing Officer to the Guam EPA Board for its deliberation and proposed entry by the Guam EPA Board of the Order of Remand

Administrative Hearing Officer, Staci Anderson advised everything that the board needs to discuss is in the Proposed Order which outlines what needs to happen. Ms. Anderson stated the proposed order has the conclusions and the statutory and legal basis for those conclusions.

Director Quitugua is concerned that Atty. Leevin Camacho was the Attorney General of Guam and actually represented Guam EPA in the Ordot litigation and wanted to know if anyone looked into the issue as a conflict on this matter. Ms. Anderson inquired on what the conflict would be. Director Quitugua noted that certain elements of the Order pertain to development practices and inquired if Atty. Camacho has previously provided legal advice to Guam EPA in regards to standards, prior practices or records.

In response, Ms. Anderson clarified that the findings were based on the record established during the hearing, specifically concerning public policies and procedures that are part of the public record. Ms. Anderson stated that based on the events of this specific hearing, she does not see a conflict of interest.

Director Quitugua stated Atty. Camacho, as the Attorney General of Guam, had legal authority to advise GEPA as to things and that would be relevant. Director Quitugua stated this may not be something for the hearing officer but more so Guam EPA as it impacts what is going on and questioned if this was examined or raised by the agency. Administrator Lastimoza advised it was not raised during the hearing. Director Quitugua stated we need to be very careful to the extent there might be other things and this can be an ethical issue.

Atty. Camacho clarified that he hasn't been at the OAG for 4yrs and stated he was never personally involved with anything that involved licensing. Atty. Camacho stated part of the issue that the hearing officer identified was there was never any written or oral standards, procedures or metrics for licensing drillers. He emphasized his compliance with Rule 1.11 regarding his ethical responsibilities as a former government attorney, noting he would not have taken this case if a conflict existed.

Testimony indicated that an application was submitted last year and there was a position that was given by the former head of the water division. However, following a change in leadership the entire legal position changed while the application was pending and that's what the hearing officer found to be arbitrary and capricious.
Vice Chairman Carrara acknowledged Director Quitugua's points, noting that while he sees no issue with this specific instance, Guam EPA must remain mindful of identifying potential conflicts in the future.

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Chairman Carbullido noted the Order states "In the Superior Court of Guam" and inquired if this should be revised to state before the Guam EPA Board of Directors. Ms. Anderson concurred.

Chairman Carbullido stated in an email, Atty. Camacho requested that the board take action and ordered Guam EPA to expedite the process. Chairman referred to page 5 of the Order noting Section III (#2) Time for Compliance, Page 6, Section III (e) – Provide Notice to Appellant, and Section III (#4) Licensing Determination and inquired with Ms. Anderson if the board is able to revise these timelines. Ms. Anderson advised she has no problem revising the timelines and stated there was testimony from the Appellant that he was suffering pecuniary damages and we need to get some momentum going but she would like to hear from both parties on how they wish to proceed.

Atty. Camacho stated they received the Order in March 25th and it's been about 60days. He advised they have not been contacted at all if there has been new revisions or standards or when Mr. Coffindaffer will be allowed to sit again regarding the damages of the pond as they can't do any drilling work.

Atty. Camacho stated during the hearing, it was noted that GEPA admitted there are other people who are licensed that also don't meet the statutory requirements. This was also concurred by Ms. Anderson. The Appellant requested to be given the same opportunity to engage in activities that were authorized prior to the change of leadership in that division. Atty. Camacho stated it's been 9 months since the initial submission during which time the client has been unable to work and hopes Guam EPA is taking necessary steps to implement their decision.

Atty. Finney noted if the board does adopt the recommendations in the order, Guam EPA will need some reasonable time to implement. Ms. Finney stated Guam EPA has been working on a Standard Operating Procedure and policy statement but would need time to adopt those procedures and then apply them to Mr. Coffindaffer. Ms. Anderson asked how much time Guam EPA is proposing. Ms. Finney stated the original timelines in the original order is doable. Ms. Anderson asked if 60days commending today would work dependent on the board adopting this order. Ms. Finney concurred.

Ms. Anderson advised she will revise Page 5 of the Order, Section III (2) and asked Atty. Camacho if, although not ideal, if this was acceptable. Atty. Camacho advised it's been since March and there were not standards for issuing a drillers license at Guam EPA and this is something that they should have been working on without having to wait to be adopted for anyone else who may be trying to apply. Atty. Camacho stated the findings were that anyone who has a license to drill on Guam right now has been licensed without any written standards or objective measures for qualifications and it's been inconsistent.

Ms. Anderson stated in reviewing the hand written notes, it appeared that Mr. Coffindaffer achieved a 50% passing score. This conclusion is supported by testimonies of two witnesses that indicated 50% is a passing score while the other suggested 75%. Ms. Anderson added the assessment considered Mr. Coffindaffer' experience and a similarly situated individual who is on a limited basis doing the exact work that Mr. Coffindaffer has applied for license to conduct.

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Pursuant to 10 GCA 46101, Ms. Anderson didn't feel it was appropriate based on the preciousness of Guam's Water Resources to order the issuance of a license but noted there was testimony on the pecuniary damages that continue to incur on their inability to perform this work.

Vice Chairman Carrara suggested we keep the 60days and to ask Guam EPA to accelerate their review and noted everyone should be treated fairly in the application process. VC Carrara stated there are intangibles that not everyone in the room is aware of but they are addressed in the proposed Order that was issued by the hearing officer (Ms. Anderson). VC Carrara stated the timeframe seems reasonable but with the caveat that the agency make their best effort to advance as soon as they can.

Chairman Carbullido inquired with Guam EPA staff as to what is involved during the 60days.
Ms. Finney advised the agency is close to completing the SOP which then would go through review with the Administrator. She added the operating procedures, as we are preparing them, would include having the panel constituted that would prepare and develop a test in advance of the interview. Ms. Finney advised once this is complete then they would bring Mr. Coffindaffer in to redo the evaluation.

Director Moore-Linn inquired whether the items listed on the Order require Board approval or if they are considered operational needs. Ms. Finney stated the agency needs to have an internal discussion to determine this. As the Standard Operating Procedures (SOP) are developed, certain elements may constitute statements of policy that require Board review. Ms. Finney noted that if Board approval is necessary, the agency will need to factor that requirement into the projected timeline but believes they can accomplish that within the 60days provided that the board continue to meet regularly.

Director Quitugua inquired if the 60day timeframe is realistic if the agency still has to make sure the policies and procedures are fine-tuned, have their internal discussions, and also address the claimant. Ms. Finney again reiterated the agency's position in regards to meeting the timeline and stated it is already in progress.

Director Quitugua stated she would like to see something that is close to completion within 30 - 40 days so the board can meet and review the SOP as this may impact other claims. Chairman Carbullido agreed and inquired with Guam EPA when are they able to complete the SOP which the agency committed to have the SOP ready for review by the June 25th board meeting.

Chairman Carbullido also asked if the review and approval from the Administrator is all that needs to be done for this Coffindaffer appeal. Administrator Lastimoza reiterated Ms. Finney's comments that if there are any policy review that needs to be done by the board then Guam EPA will bring it to the board's attention on June 25th. Administrator Lastimoza advised procedurally if the board wants the review and approval to be done by the Administrator, subject matter experts (SMEs) and Ms. Finney then that will be up to the board.
Chairman Carbullido inquired with Ms. Finney does the SOP need to go anywhere else after the board theoretically approves it. Ms. Finney stated we are not looking at revising any regulations, this would just be our internal SOP's, so no it would not.

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Chairman Carbullido inquired with the board members if they want to review and approve the SOP on June 25th or just have the Administrator review and approve it. Director Moore-Linn stated it depends if its policy and Guam EPA would need to make that determination. Director Castro noted it's an SOP and Ms. Finney advised because of some of the nature of some of the issues that were bought up it looks like some of these things might involve a policy determination to guide these SOPs.

Chairman Carbullido inquired if the SOP becomes finalized once the board approves it. Administrator Lastimoza concurred and stated the agency can then start reevaluating Mr. Coffindaffer as to whether or not he is qualified to receive the license from Guam EPA. Director Castro reiterated, that the order states 60days however, Guam EPA has committed to provide a draft SOP for the board to review and adopt by the June 25th meeting. Any policy change needed will help guide the SOPs and once approved the agency will bring in Mr. Coffindaffer to finish up the rest of the things stipulated in the Order.

Director Moore-Linn sought clarification on Section III (e) that once the SOP gets approved, Guam EPA will reevaluate Mr. Coffindaffer and provide him the results within the 7 days as stated on the Order. Administrator Lastimoza concurred and stated Mr. Coffindaffer will be notified within 7days of taking the test.

Ms. Anderson advised that part of the appeals process was that there wasn't action taken for quite a while so she was trying to give certainty to both parties.

Chairman Carbullido inquired when the board can receive the draft SOP for review prior to the June 25th meeting. Guam EPA has committed to provide the draft SOP for board review on June 23, 2026 prior to the June 25, 2026 board meeting.

With no other questions or comments, Chairman Carbullido requested if anyone wanted to make a motion.

Director Moore-Linn made a motion to ratify the Order presented by the Administrative Hearing Officer, Staci Anderson for Case No. GEPA-25-0585 subject to revisions on page 1, to change "In the Superior Court of Guam" to "Before the Guam EPA Board of Directors" and to change the date to June 9, 2026 as the effective date of this Order on Page 7; motion seconded by Director Quitugua.

Board discussion continued regarding the 60day timeframe and whether or not the commitment by Guam EPA, to provide the draft SOP to the board for review on June 23, 2026, be placed as a condition on the Order. After further discussion it was agreed by the board to keep the 60days timeframe and not to include Guam EPA's commitment on the Order.

Chairman Carbullido stated for the record he is in favor that the timeframe should be 45days but the majority of the board members agreed to keep it at 60days.

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Chairman Carbullido called for the vote on the motion. All in favor, zero (0) opposed and motion passes.

IV (b) – Tutujan Holding vs. Guam EPA – Hearing by hearing officer only or with the Guam EPA Board. Schedule. Attendance. – Chairman Carbullido prefaced that this matter was discussed during the May 21st meeting and noted a minor comment made by Ms. Finney regarding a board resolution with the names of the board members that will be in attendance.

Chairman Carbullido inquired with Ms. Anderson what she needed from the board. Ms. Anderson advised the hearing will tentatively take place in July 2026 and noted that if any of the board members that wish to sit in the evidence hearing will have to attend every single day and although she will try to secure a larger conference room, space availability may be an issue.

For clarification, Administrator Lastimoza inquired if the board members wanted to attend would that mean they would have to attend from beginning to the end, every day that the hearing is held. Ms. Anderson concurred. Director Quitugua stated its dependent if the board is going to hear the evidence and weigh in but inquired if members of the public are free to attend. Ms. Anderson stated they are and for this particular proceeding it's the considered opinion that we will have a lot more public interest especially from the media. The parties at the status conference thoughts were the hearing will be about 5 or 6 days and indicated there will be intensive and complicated testimony based on engineering reports and it may take a considerable amount of time to get through some of the witnesses.

Director Castro inquired on the tentative dates of the hearing. Ms. Anderson stated tentatively in July and noted the other time restriction is that she is only available in the Solicitors Division on Tuesdays and Wednesdays so those were the days she was proposing.

Ms. Anderson stated any board members that want to weigh in when we go to make decisions about the evidence needs to be there to hear it. She also stated she is not sure but was wondering if we can have people log in by zoom or google meets and noted she is open to discussing that option as well or whatever the board wants her to do.

Administrator Lastimoza inquired with Ms. Anderson what are the consequences or repercussion if any of the board members, that choose to attend, can't make one day out of the six hearing days. Ms. Anderson stated if they are going to participate in rendering a decision it is important to hear all of the evidence. Director Quitugua stated that's two different phases though as every board members needs to weigh in on the final decision and that only goes into the input of the proposed resolution and not voting on the final resolution. Ms. Anderson concurred.

NEW MEETING DATE/ADJOURNMENT: Next regular meeting is scheduled for June 25, 2026. Director Moore-Linn made a motion to adjourn the meeting and seconded by Director Quitugua. All in favor, zero (0) opposed, and regular meeting adjourned at 5:04pm.

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Arlene M.S. Acfalle
Acting Board Secretary

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