



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA'LA' GUÁHAN
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, June 20, 2023

MINUTES

- **Call to Order:** Vice Chairman Steven Carrara called the Board of Director's meeting to order at 4:05p.m via the Guam EPA Conference Room. Roll call was done by Acting Board Secretary, Arlene Acfalle, as follows:

Board Members:

Chairman Steven Carbullido	- Not Present (Off-island)
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 Dave Duenas	- Present calling in from Dededo
Director Danny Taitingfong	- Present Guam EPA Conference Room
<i>*Quorum has been established.</i>	

Guam EPA Staff: Michelle Lastimoza, Arlene Acfalle, Jesse Cruz, Connie Afleje, Nic Lee, Roland Gutierrez, Kristan Finney, Brian Bearden, and Romeo Zacarias

General Public: Elena Quiogue, Jesse Chargualaf, Jr.

- **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 passed.
- **Approval of March 2023 Meeting Minutes and June 3, 2023 Special Session Minutes:** Director Castro made a motion to approve the March 2023 meeting minutes and the June 3, 2023 Special Session minutes seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passed.
- **Administrator's Report** (Provided by the Acting Administrator Michelle Lastimoza)

Administrative:

Personnel:

- Agency continues to review resumes and applications for recruitments for temporary and limited-term appointments.
- Selections were made for the EHS 2.



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- Received Certification Packets for Air & Land Administrator. Interviews forthcoming
- Participated in UOG's STEM conference fair on April 7 and UOG's Annual job fair on April 27 to attract prospective candidates to apply for positions at the Agency
- Guam EPA participating in Governor's Youth Summer Employment Program
 - Program duration is July 3 – August 4
 - Agency has 24 summer employees spread across all agency programs
- Current recruitment: Three (3) EHS 2s, One (1) PC 1 – Agency awaiting certification list

Budget/Procurement:

- Agency continued working on our work plan for Emerging Contaminants for Disadvantaged Communities \$47.2M grant funding
- Work plan submitted on May 15, 2023
- Grant funding earmarked for agency administrative costs, facilities, lab capacity, equipment, training, IPAs, monitoring and outreach for PFAS, dieldrin and other emerging contaminants. The laboratory capacity that will be built under this grant will also enable monitoring for the entire range of regulated drinking water contaminants.

Guam Ancestral Lands Commission Meeting – Operations Building Past Due Rent – May 8

- Deputy and ASO appeared before the board to discuss the past due rent owed to GALC for the operations building
- Background: An informal agreement was put in place by the previous GALC director and Agency administrator to hold on monthly rental payments until the operations building roof was fixed.
 - Payments resumed at the start of FY22
- GALC alleges a balance of \$267K based on GEDA records
- GALC and Guam EPA have agreed to work with GEDA to reconcile the past due amount

Agency Headquarters:

- Held a meeting with EPA on April 25 over the lingering issues which are preventing the Agency from moving forward with cleanup.
- SHPO concerns are being addressed over the flora/fauna which could be impacted as a result of the waste removal
- Alternative administrative processes being explored

EPA Region 9 Administrator's Visit

- RA Martha Guzman arrived on March 25 – 31
- Met with the governor and legislature to discuss PFAS and other emerging environmental issues and funding opportunities
- Met with USCG, GPA/GWA, DOD,

Guam EPA Celebrates 50th anniversary:

- Celebrated at the Hyatt Regency Guam March 29 from 9am - 4pm
 - Held Construction and Industry Forum – Entitled "Educate While We Regulate"



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- Presentations on the permitting process and tips for home-builders and property buyers was given by Brian Bearden
- Pesticide Enforcement Program conducted CORE and Cat-7 exams
- General outreach and education conducted on the agency
- Proclamation signing ceremony was held in the evening

Guam EPA Celebrates Earth Month and Earth Day – April 21:

- Guam EPA held a proclamation signing ceremony for Earth Day and Earth Month 2023:
 - Agency personnel participated in a tree planting project in As-Gadao, Malesso
 - With the assistance of DoAg Forestry and Soil Resources Division, 200 dodonaea trees were planted in the restoration area

Walter S. Leon Guerrero Submits Letter of Resignation to the Board and Gov. Leon Guerrero

- Michelle C.R. Lastimoza named acting administrator on May 18 and is pending board confirmation

Typhoon Mawar Recovery Response:

- Mawar made landfall on Guam as a Category 4 typhoon on May 23, 2023. Following Mawar's passage:
 - Monitoring, post-disaster assessments of our drinking water system, wastewater system, underground and above-ground storage tanks are all a part of Guam EPA's post-disaster response
 - EMAS conducted shoreline assessments and issued blanket beach advisory
 - At the direction of the governor, the Agency was tasked with disaster debris management and organized and operated three disaster debris disposal sites at the former solid waste transfer station in Dededo, the former Tiyan carnival grounds in Barrigada and Ypao Point in Tamuning
 - Disposal sites in Dededo and Tiyan operational June 4 – July 3
 - Ypao Point was operational June 4 – July 15
 - Conducting daily monitoring of the 21 village green waste transition sites
 - US EPA collaboration took place with Guam EPA and GWA for safe drinking water assessments, and drinking water related assessments of water vendors, water haulers, and hotels with DPHSS
 - US EPA on-scene coordinators/START team and contractors collaborated with Agency for HHW collection and disposal
 - Supported GHS/OCD through staffing the EOC and JIC
 - Great deal of collaboration with federal partners like FEMA and USACE
- Sen. Perez held a certificate presentation on July 20 to show appreciation for Agency's recovery efforts with debris disposal sites

Policy:

Confirmation Hearing for Daniel Taitingfong – April 14



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- Agency administrator testified in support of the nomination for the Guam EPA board
 - Legislature voted to confirm the nominee during the May 10 session

Roundtable hearing regarding abandoned vehicles – April 20

- Agency administrator, deputy, board chair and vice chair in attendance
 - Agency provided updates on the challenges and success of the process
 - MCOG, GPD, DRT, GEDA, DPW, AGO in attendance
 - Topics of discussion included: enforcement, storage and staging, impound lot

Bill 104-37 – Relative to the disposal of junk cars – Public Hearing was May 5

- Sen. Perez introduced Bill [104-37](#) on April 26 which seeks to amend statutes meant to bolster GovGuam's efforts in disposing junk/abandoned vehicles with provisions that include:
 - redefining a junk vehicle
 - title forfeiture of vehicles meeting the junk vehicle definition
 - deeming junk vehicles as municipal waste and subject to littering laws after applicable criteria is met
 - requiring GovGuam to post notices on junk vehicles parked on public property
- Agency alongside AGO, DPW, DRT, MCOG and DLM provided testimony on the bill
- Agency opposed to the bill in its current form
 - offered recommendations to bill for consideration concerning:
 - definition of junk vehicle
 - posting of notice
 - process for claiming junk vehicles
 - auction or use of abandoned vehicles
 - waiver of rights
 - disposal of vehicles abandoned in storage facility
- Sen. Perez agreed to look into the changes and schedule another hearing for an amended bill

Enforcement, best practices for Mining and Quarrying – May 11

- Speaker Terlaje introduced Bill [116-37](#) on May 11 which seeks to amend statutes, rules and regulations for the purposes of "strengthening and harmonizing GovGuam's enforcement capabilities and ensuring best practices for mining and quarrying."
 - Adds mining and quarrying as a conditional use for M2 Heavy Industrial Zone
 - Adds a requirement for a special permit to be obtained and regulated by DPW, BSP, GEPA, GLUC, GDOL, Mine Safety and Health Administration and other applicable federal agencies
 - Adds a section which stipulates that the disturbed area must not exceed 5 acres, but:
 - the Administrator may increase this maximum to a size larger than 5 acres if the adopted conservation standards can be maintained, or
 - the Administrator may reduce the maximum to a size below 5 acres if the Administrator determines that the conservation standards will not be met.
- Public Hearing was July 19 at 8:30AM – attended by CAPT Bearden, acting deputy Jesse Cruz



- Agency supported intent of the bill, but made recommendations to refrain from amending the current Guam Soil Erosion and Sediment Control regulations, and refrain from giving the permitting and rule making authority to Guam EPA
- The Agency postured for the legislature to consider the creation of clear definitions within the Zoning Law which would empower the Department of Land Management (DLM) and the Guam Land Use Commission (GLUC) to enforce their existing land use permitting system for quarrying
- Speaker Terlaje asked for Agency's help to further develop the bill

Confirmation Hearing for Steve Hollister – May 18

- Agency acting administrator testified in support of nominee for the Guam EPA board
- Receives unanimous support from the legislature and is confirmed on June 30.

Agency Attends Speaker Terlaje's Town Hall Meeting at Guam Congress Building RE: on the DoD's proposed 360° Enhanced Integrated Air and Missile Defense (EIAMD) system in Guam – July 17.

- Agency acting administrator and deputy took questions on:
 - role of GEPA on federal property and how this process applies to federal gov
 - possible human/environmental effects of EIAMD
 - nuclear micro reactors
 - our communications with DOD RE: candidate sites
 - any environmental issues under Agency's purview that may be affected if the identified candidate sites are used
 - Regulations that need to be updated
 - Risks and concerns on use of micro-reactors

Nuclear Energy Prohibition Act of 2023 – July 18, 2023

- Sen. Perez introduced [Bill 151-37](#) on July 17 which seeks to add a new chapter to 10 GCA as Chapter 54C, "Nuclear Energy Prohibition Act of 2023."
 - Adds definitions
 - Prohibits use and production of nuclear energy production on Guam
 - nuclear fission power plants, Small Modular Reactors (SMRs), or Nuclear micro reactors prohibited from importation, production and use on Guam
 - Prohibits the disposal of radioactive material on Guam

Programs/Projects:

BSP Coastal Management Program Submerged Lands Partnership Conference – April 11

- Mrs. Margaret Aguilar gave a presentation on the history of the Agency's stance on submerged lands and cable landings

Joint Inspection of GWA Water System – Week of March 20

- Pump stations, wells, storage tanks, springs and treatment plants were inspected



- Agency SDWP, EPA Region 9 and EPA National Enforcement Investigation Center (NEIC) participated with GWA on the inspections.
- (NEIC) played an observatory role in this process

Agency Commits to Partnership with UOG in their Higher Education Challenge Grant

- Agency submits a letter of commitment to UOG on April 26 as a partner Agency in their HEC grant for the following:
 - Internship program for GIS assistance
 - GPS/GIS equipment – inclusive of hardware and software
- The goal of this collaboration is to provide students with hands-on experience in spatial analysis related to:
 - Watersheds and wetlands – outlining surveyed boundaries or delineations; tying the delineated area to all information layers to see the "big picture" (i.e., soils layer, topography layer, hydrology layer);
 - Re-evaluating marine water designated use classifications;
 - Researching and establishing "No Discharge Zones" for Guam and mapping these zones.
 - Identifying and geo-locating illegal dump sites
 - Incorporating all spatial data into the Agencies existing database

Formerly Used Defense Site Meeting with Governor and USACE – March 31

- Agency, USACE and EPA R9 met with Governor Leon Guerrero to discuss conducting an investigation into munitions and munitions contamination clean up
 - Area of concern is in Yigo
 - Munitions of concern are WW2-era
 - Under the FUDs program, Guam EPA will assist USACE with outreach and accessing rights of entry into private property for the purposes of limited investigation of munitions and munitions contamination
 - Activity on this action is postponed as a result of Mawar

At this time the agency experienced technical difficulty and lost connection to the live stream, the meeting was paused to allow us to reboot and restart our live stream connection

Guåhan 2050 Sustainability Plan Meeting – May 10

- Agency met with BSP, Market Research, Rim Architects and other private stakeholders to discuss sustainability plans for 2050
- Provided a forum for discussing the need and benefits of creating and implementing the Guåhan 2050 Sustainability Plan as well as discuss how other agency planning efforts can contribute to the Plan
- Agency represented by Glenn San Nicolas who spoke on the implementations of the Integrated Solid Waste Management Plan and the Zero Waste Master Plan



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US EPA Spill Prevention and Countermeasure Control Joint Inspections - Week of May 1 – 17

- Pump stations, wells, storage tanks, springs and treatment plants were inspected
 - Agency SDWP, EPA Region 9 and EPA National Enforcement Investigation Center (NEIC) participated with GWA on the inspections.
 - (NEIC) played an observatory role in this process

Complete/ accept/ report on completion of Ordot Consent Decree SEP

- SEP agreed upon was set before the receiver took over
- Receiver took the money required to complete the SEP

Director Castro commended the agency for a great job with post typhoon mawar recovery and monitoring the waste stream at the debris sites. Acting Administrator also wanted to thank our partners DPW, DOAg, PBS, Guam National Guard, AmeriCorps, Barrigada Mayor's Office and CLTC.

Director Hollister inquired if the \$47.2Mil grant funding is to be used to partially fund the construction of our new lab and also inquired on the request to share the lab. Acting Administrator advised yes the \$47.2Mil funding will be used to partially fund the lab and the FDA (Food & Drug Administration) is considering being a tenant in our new building. Director Hollister inquired if FDA will be paying rent in which acting administrator Lastimoza advised we have not got that far and no commitment has been made yet by FDA. Administrator did advise that there will be some commitment and cost sharing should this agreement become finalized.

Director Hollister wanted clarification on the \$26/K back rent owed to GALT. Administrator advised there was a verbal agreement between the previous GALT director, Joseph Angoco and GEPA Administrator, Walter Leon Guerrero. Due to the leaks in our operations building the agreement was to hold off on the monthly rental payment until the repairs to the building were done however no letter regarding this discussion was formalized. Administrator also added that the agency resumed rental payments in FY22. Guam EPA is disputing the \$26/K back rent so GALT and GEPA is working with GEDA to reconcile the past due amount.

Director Hollister inquired if Bill 151-37 (introduced by Senator Sabina Pérez) will prohibit ships from docking from the harbor. Administrator advised we don't know the implications that bill would have. We do have some nuclear capability on Guam and on its face value there is nuclear medicine. Administrator advised it's so new and the staff is not ready to provide comment just yet.

- Outstanding Notices of Violations
 - Primo's Heavy Equipment – Kristan advised prior to Walter's resignation the agency have been talking with Primo's about trying to resolve matter without a hearing. The agency needs to continue that discussion with Michelle.
 - Samsung – Brian advised the last contact was in December 2022 and we were waiting for Samsung to coordinate an inspection and final presentation of the cave clean up. Brian will continue to follow up. Vice-Chair inquired on the preventative measures for future runoff to the



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cave. Brian updated that a big part of that response was getting redesigns done by their engineers and that included a lot of work inside and outside of the site. The outside was for ponds for when they have overflow and discharge in which the agency had to approve a series of designs that would take overflow from the site and route it past the cave entrance and absorb into the limestone. Vice inquired how the pond was. Brian advised the last he saw was in December and the water is clear but the bottom is stained and not white. The Board would like for Samsung to come in and do the presentation.

- JJ Pacific Development– Brian advised penalty has not been paid. Letter has been issued to make payment. They missed the opportunity to request a hearing. Kristan advised we will see what we can do.
 - Lin's Hardware – Status quo. No update
 - GPPC, Inc. (Crown Plaza project) – Status quo. No update.
 - Upper Tumon Property (Mr. Park) – Brian advised NOV was issued assessed at \$1.7Mil. Owner has been unresponsive. Brian advised assistance is needed from OAG to collect payment.
 - Old Royal Palm Garage update – Roland updated the building has been demolished by new owner. Clean up and removal is completed. Need to verify with Administrator Lastimoza and Kristan if the agency is going to further pursue Mr. David Su.
 - Verona – Status quo – No update.
 - Cardona – Status Quo – Mr. Cardona requested for extended time frame. Mr. Cardona missed the opportunity to file an appeal. Roland to speak to Administrator and Kristan to see if the agency is going to follow through with enforcement.
 - UMS Hardfill Facility in Mangilao (SWMP) –Roland advised penalty has been paid and Glenn will be writing a return to compliance letter.
 - Core-Tech NOV -- (J755 Urban Combat Training Project) Capt. Bearden advised that Core tech build the whole project without going through a design approval process. The agency has approved 75% of their design and is still in the process of resolving. The big sticking points now are the grenade range and breacher facility where the use explosives to practice blowing indoors and also the vehicle washing pad where they wash off their combat vehicles after they go through the obstacle course. Capt. Bearden also stated that the agency obtained an update 2weeks ago by Marine Corp Camp Blaz that they are working on some responses and a combination of design and operational changes to respond to the agency concerns. NOV was issued with no proposed penalty but to stop their work and to get them to be in compliance but it doesn't necessarily rule out any penalty.
- New Notice of Violations
 - Humatak (Umatac) Mayor Office – Brian advised a stop work order was issued on July 10, 2023 for excessive clearing without a permit during the emergency and way past post typhoon response.



Director Duenas chimed in stating he thinks it time to call in the OAG to assist with compliance and have these violators pay the penalty for all these outstanding NOV's. Vice Chairman echoed Director Duenas' statement.

Director Castro inquired what is being done with all the debris/trash being place on the roadsides. Roland advised outreach has been sent on what type of waste stream will be accepted for the roadside clean up and that residents can't co-mingle their waste. Once Army Corps finds trash they will not take it advised Roland. Administrator added that part of the agreement between GovGuam, Army Corp and more importantly FEMA is the federal takeover of the disaster debris management of the right of way. As Roland was saying this is an encouragement for residents who didn't have the opportunity to take advantage of the transition sites, to place their typhoon debris on the curbside. Residents are misinterpreting the waste that can be picked up. Also in the discussion, DPW is still going to follow behind the right of way efforts that the Army Corp is doing, to pick up non-eligible waste. Unfortunately they are going to be swamped. Administrator advised out-reach has been ongoing for the past 7 weeks to remind residents to separate their waste.

- **Discussion on septic system lot sizes and potential changes to laws and regulations** – Capt. Bearden advised this is a follow up to the presentation in the March board meeting. Capt. Bearden was asked to prepare a list of potential recommendations for resolution by the board. Capt. Bearden prepared a PowerPoint presentation with list of recommendations. Capt. Bearden also advised he is still working on the draft resolution. Vice Chairman Carrara inquired if the board wants to go through with the PowerPoint during this meeting. Director Castro advised that Brian had already presented this in the March board meeting concurred by Director Hollister and stated they we should wait for the board resolution to be drafted. Vice Chairman Carrara inquired if a resolution will be ready by next meeting in which Capt. Bearden advised it will be. Capt. Bearden added that one of the key items is getting a decision from the Board as far as:
 - What type lot is the board or agency is willing to endorse for having the alternative of the advanced treatment system.
 - Does the board want to endorse for only parental lots that are less than a half-acre or does the board want to include descendant lots as well.
 - Does the Board want to include any kind of restriction on the use of parental lots?

Capt. Bearden advised the agency has thrown in some recommendations that are on the conservative side to say that only parental lots and not the descendant lots and that a restriction should be placed on the law that would allow the agency to extend it on the first owner of the parental lot. That way it does not become a reason to subdivide and sell more property. Capt. Bearden stated that any of these options will result in more pollution to the aquifer because even if there is an advanced treatment system in place in lieu of a septic system, it still would mean 2 homes and 2 septic systems, and still means more pollution to the aquifer. Although it has a higher degree of treatment their still



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putting that much more pollution into the aquifer. Treatment systems are great at removing nitrates but they don't remove everything, like PFAS.

The agency has provided a conservative approach as a first step for the board to recommend to the legislature and it would be the board's decision to accept it or scale it back and make it more restrictive. Vice Chairman stated he is all for a more conservative approach. Director Hollister stated originally they stated the limit should be 3 acres, now is quarter acre. Capt. Bearden advised its quarter acre for parental lots and decedent lots which is what the realtors are asking. Director Hollister asked if the board is to discuss this, then the board needs to put aside other business to discuss this topic further. Vice Chairman Carrara agreed.

- **GEPA request for approval of the Integrated Solid Waste Management Plan (ISWMP) and Zero Waste Master Plan (ZWMP)** – (Original presentation was done on our March 2023 board meeting by Glenn SN in which the Board approved both the ISWMP and the ZWMP pending the board resolution) Air & Land acting administrator, Roland Gutierrez presented and read the Guam EPA Resolution # GEPA 23-004 and GEPA 23-003 **Copies of the signed board resolution available upon request**
- **Nomination of Mrs. Michelle CR Lastimoza to serve as Guam EPA Administrator** – Vice Chairman Carrara presented the nomination. The Guam EPA board of directors received a nomination letter, dated June 9, 2023, from the Governor of Guam, Lourdes A. Leon Guerrero nominating Mrs. Michelle Lastimoza as the new Guam EPA Administrator. Mrs. Lastimoza resume was also attached for board review. Vice Chairman commented on an impressive resume with Michelle doing great work for our island and opened the floor for comment by the board.

Director Hollister inquired when Mrs. Michelle Lastimoza started with Guam EPA with it being November of 2018. Director Hollister also inquired if Mrs. Lastimoza has met with and established a working relationship with our US EPA counterparts in which Mrs. Lastimoza advised she has.

Director Castro advised she is confident that Mrs. Lastimoza will do well on her new role as Administrator and hopes that she will establish the partnerships with the federal agencies and other stakeholders that are relevant to Guam EPA. Director Castro wished Michelle all the best and stated the board is here to support her and to move the agency forward. Director Castro also added that she hopes Michelle works with the staff and help them grow and lead as well

Jesse advised she has our staff support as well and glad that she was willing to step up to her new role to lead the agency. Roland commented that it's always good when the new administrator comes from within the agency and knows the agency intricately versus someone coming from the outside that is not as well versed.

Mrs. Lastimoza stated that she will not be where she is today without the support of upper management and most especially the staff of Guam EPA who keep things moving.



Vice Chairman Carrara commented that the agency faces a lot of challenges and he appreciates the background that Michelle brings to the agency and that the board is here to support her nomination and her new role as Guam EPA Administrator.

Director Castro made a motion to confirm the appointment of Mrs. Michelle CR Lastimoza as to serve as the Guam EPA Administrator seconded by Director Hollister. All in favor, zero (0) opposed and motion passes.

Administrator Lastimoza also wanted to provide notice to the board of the resignation of Mr. Jesse Cruz, EMAS Administrator for Guam EPA. Mr. Cruz's last day will be August 11, 2023. Administrator also extended her thank you to Jesse for his 26yrs of service the agency.

New Meeting Date/Adjournment: Next meeting was set for August 17, 2023 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 5:34pm.


Arlene Acfalle
Acting Board Secretary

