



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA LA' GUÁHAN  
LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM  
WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

**Guam Environmental Protection Agency  
Board of Directors' Regular Meeting  
Thursday, November 18, 2021  
Via Google Meet Platform**

**MINUTES**

- **Call to Order:** Chairman Steven Carbullido called the Board of Director's meeting to order at 4:04 p.m. via the Google meet platform. Roll call was done by Board Secretary, Arlene Acfalle, as follows:

**Board Members:**

Chairman Steven Carbullido – Present calling from Tamuning  
Vice Chairman Steve Carrara – Present calling from Tamuning  
Director Flori Sanchez – Present calling in from Tamuning  
Director Steve Hollister – Present calling in from Agat  
Director Dave Duenas – Present calling in from Dededo  
Director Wayne Bigler – Present calling in from Piti  
Director Moneka De Oro – Not present  
Director Fran Castro – Not present  
*\*Quorum has been established.*

- **Guam EPA Staff:** Walter Leon Guerrero-Administrator, Arlene Acfalle, Nic Lee, Connie Afjelle, CAPT. Brian Bearden, Kristan Finney, Jesse Cruz, Conchita Taitano, Michael O'Mallan, Sabrina Sablan, Derien Mitchell

**General Public:** Taylor Aguon, Tyler Matanane, Monaeka Flores, Joni Kerr, Genayan Kallop, Senator Sabina Perez, Fran Castro (Office of Senator Sabina Perez), Protehi Litekyan Outreach

- **Approval of Agenda:** Director Hollister made a motion to approve agenda, seconded by Director Duenas. All voted in favor, zero (0) opposed and motion passed.
- **Approval of Minutes:** Director Bigler made a motion to approve the minutes seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passed.
- **Notices of Violation**
  - Contrack Watts – Chairman updated that a Status Hearing will take place next week.
  - Primo's Heavy Equipment – Connie updated that the agency has finalized everything as far as the hearing officer and we are now on the contract process. The final contract was sent to the AG's office for review. Once the contract is returned we will send it for signatures and have a hearing

officer soon.

- Samsung – Same status as Primo’s Heavy Equipment – Pending hearing officer.
- JJ Pacific Development– Brian advised JJ Pacific requested for a time extension due to JJ Pacific having trouble hiring a consultant to perform a wetland delineation and to do the engineering design for the erosion control. The time extension request is still being considered.
- Lin’s Hardware – No change in status. Guam EPA to follow up.
- Su & Zheng Corp – They are in compliance and GEPA to close out.
- Feiyang Construction & Engineering – This is completed. Guam EPA to close out.
- Piti failed septic system – This is completed and GEPA to administratively close out.
- Dusit Thani – This is completed and Guam EPA to administratively close out.
- Sand Castle – This is completed. Guam EPA to close out.
- GPPC, Inc. – Pending final assessment of the penalty. Guam EPA to close out.
- Old Royal Palm Garage update – Administrator advised the new owner’s contractor met with Glenn and Roland on the next steps on carrying out the property and violation. Chairman inquired with Kristen if she was able to speak with DPW as noted at the last board meeting. Kristan advised she has not met with DPW yet, but she has discussed this with the Solicitor Deputy and they will be having a discussion with DPW.
- Verona – Conchita advised she will get an update from Glenn. Chairman noted this NOV’s status is similar to Old Royal Palm.
- Cardona – Derien updated that Mr. Cardona has removed 34.40 tons of metal vehicles, and he is supposed to remove all of that waste by the end of November. Mr. Cardona has been having some medical issues and with Covid Mr. Cardona has had issues with some of his staff.
- No Ka Oi – Conchita noted Guam EPA issued an NOV and a penalty amount is to be determined. She will obtain an update from the Pesticides Program.

➤ **Administrator’s Report:** Update provided by Administrator.

## ADMINISTRATIVE

- **Personnel**
  - Two (2) Environmental Health Specialist 1 positions:
    - Interviews completed
    - Interview panel evaluations pending for selection for administrator consideration
  - Biologist 1
    - Pending one candidate interview
    - Evaluation will begin as soon as final interview is conducted
  - TOKA App Training: Agency personnel will participate in UOG-led training, tentatively slated for November 17
    - The app is a digital reporting tool used to report possible environmental violations, created by Department of Agriculture and UOG
    - Agency will have personnel assigned to the reports related to Guam EPA
  - Agency personnel taking up Incident Command System (ICS) training for emergency management response readiness - through FEMA

- Two courses: ICS 300 and 400 provide intermediate training on tools, practices, and procedures that are available in ICS to effectively manage emergency incidents or planned local events at a local Type 3 level

## **BUDGET/PROCUREMENT**

- Hearing Officer price negotiation in progress. Contract being finalized

## **POLICY**

- Bill 162 seeks to convert agency programmatic income accounts to special non-lapsing funds, re-categorizing the following:
  - Air Pollution Control Special Fund
  - Pesticide Management Fund
  - Litter Control Revolving Fund
  - Water Protection Fund
  - Water Research & Developmental Fund
- It removes the Governor's transfer authority and places the administration of the fund under the Administrator of the agency
- Agency is in possession of two drafts from Senator Perez which are in review
- Bill 185-36 – relative to transferring Lot No. 10122-14NEW-41 from the Municipality of Dededo to the agency for the purpose of building our new office
  - Based on discussions from Dededo Municipal Planning Counsel, they are retracting their opposition to this bill.
- Bill 166-36 relative to appropriating \$650,305 to the agency to increase regulatory capacity
  - Currently in review. Hearing date unknown at this time

## **PROGRAMS/PROJECTS:**

- Abandoned Derelict Vessel Removal Group Update:
  - 11 ADVs targeted for removal from Apra Harbor. As of today it is about complete and there is 1 large vessel that is the process of being broken down and separated. Completion date estimated about mid-December
  - This is a multi-agency project, including the local and federal governments. PAG and GPA provided financial support (\$100K from each) for the cost of final disposal, USEPA provided funds for HazWaste removal, Coast Guard has provided oversight and if needed funds to move any oil that may have come out of the vessels. The Administrator gave high remarks to the US Navy salvage team from Singapore who helped remove and cut up the vessels.
- Agency participated in Tokyo Metropolitan Government's International Webinar on October 28 to exchange ideas on Circular Economy policies and climate strategies.
  - Shared the island's progress in sustainability project studies:
    - Greening roadways and construction
    - Food waste
    - Landfill diversion

- Agency participated in America Recycles Day Proclamation Signing Ceremony on November 5:
  - There was a decline in Guam’s recycling rate from 30.4% in 2019 to 26.40% in 2020 for all eligible materials
  - Pandemic and commodity markets closing their borders on foreign waste
  - Data on eligible materials (measured in short tons) from Agency recycling officer:
    - Cardboard: 9230.73
    - Mixed Paper: 255.61
    - Aluminum: 552.01
    - Ferrous Metals: 11,167.29
    - Non Ferrous Metals: 683.23
    - Mixed Metals: 872.80
    - Batteries: 399.49
    - Electronics: 16.30
    - Compost: 8131.18
    - Tires: 1198.18
  
- Public Comment Review Period for Ordot Dump Post Closure Care RCRA-D draft Permit began on November 9
  - Public hearing slated for December 1 at Agueda Johnston Middle School Dining Hall at 5PM
  - Written comments must be received or postmarked no later than Thursday, December 23
  
- Agency reported out at Lt. Gov’s IBTF meeting on Tuesday, November 16:
  - Agency tasked with providing litter citation training to other government officials listed in accordance with Guam PL 36-61.
  
- Agency participated in Plastic bag ban outreach with UOG G3 - Happy Mart on Nov. 17.
  - Efforts include passing out reusable bags and roadside wave which will continue to mid-December

➤ **Recycling Revolving Fund Programs** – Sabrina updated that the MOA for the Mayors Council to release the \$850K that the board approved is being routed and currently at the AG’s office then to the Governor for her signature. Once it has been approved the agency can complete the paperwork to have the funds released. There is no additional invoices to report at this time. Based on the numbers from the last board meeting, MCOG Director Angel Sablan stated they have 140+ invoices which was just provided this afternoon. Sabrina advised we should be able to provide the updated numbers by the next board meeting. She also added that in honor of America’s Recycles Day the agency will be doing clean up around our facility to remove metals and clean the building. Chairman reiterated that FY21 books need to be closed out and based on discussion with Mr. Angel Sablan during that last board meeting MCOG is looking to return an estimated \$200K back to the RRF.

➤ **Air Pollution: Findings of Failure to submit State Implementation Plan (SIP) update:**  
 Conchita advised the emissions inventory is complete. The agency is currently reviewing it and intends to send it to US EPA for their review with the entire packet for approval. Once approved, the packet will be sent to the Board and provided for public notice.

➤ **AAFB Open Burn/ Open Detonation Draft Permit** – The Chairman noted that Senator Perez, during our October meeting, asked to include this on our agenda. Administrator advised as discussed last month the permit has not been approved or denied. The agency is continuing the review process, and as noted during last month’s meeting, the agency has been engaged with DoD and USEPA. GEPA has identified a process to better understand the site and permit request. The agency has not finalized its review. Administrator stated at this point the best thing GEPA can advise is that the permit is under review and that GEPA is taking the best approach to be protective of human health and our environment. The agency is finalizing the last comments that were made during the comment period and should be out by the end of the week. Conchita advised the requirements for RCRA Subtitle C for HazWaste treatment, disposal and storage facility are more than regulated. When we go through the process, there is a timeline for the Administrator to issue a Notice of Decision to either approve or deny the permit application. Because of the issues that have been raised, the agency did its part to notify AAFB that even though we recognize the fact that although we have to issue a Notice of Decision there has been some questions that the agency needs to reconcile. The agency did respond to AAFB and we provided a response to Senator Perez’s comments during the comment period. The last response is for EPA as part of our administrative record which is required. Chairman inquired with the Board if they are interested in discussing policy in regards to the OB/OD permit. Director Hollister asked why we would be thinking of an open burn pit when there are other ways to ensure the hazardous smoke does not affect anybody or the environment. Administrator chimed in stating that the OB/OD Permit is a very controversial permit right now and added that our team at Guam EPA is doing our due diligence to ensure we will go through the proper protocol whether the permit is approved or denied. The Administrator clarified the OB/OD activities: the Air Force has stated they conduct emergency detonations for any UXOs that are found, open detonation for munitions that explode, and open burn is intended for the incinerator flares. Administrator advised if one was to detonate them phosphorous will just be disbursed and that is the reason why they burn. Administrator referred to Director Hollister’s comment that the agency has taken into account as to why they do the open burn process. Conchita chimed in advising that the agency has to identify all of the processing, storage and activity of that piece of property from active to inactive. She also stated the reason for it is because if we eventually go through closure we must have an accounting of every activity and every process in that particular permitted site. Conchita stated, as the Chairman mentioned, the Air Force has not been utilizing the burning process activity but they have talked about upgrading it utilizing a different technology but it can’t be taken out of the inventory because when it closed we need to make sure that they test the site or area where they were actively burning. Conchita advised maybe that is what is causing some difficulties right now. We are not able to remove this from the permit as we will not be able to capture that activity and we have to disclose what is going on, on the property that is permitted as required by RCRA Title C. Chairman also advised the board that during the informational hearing they discussed alternative cleaner “technologies”. Chairman stated that the board received letters from several people which is in the packet and asked if the board had any questions or comments. Director Hollister advised that he is worried about the smoke that the open burning will create. Director Hollister went on by saying there has to be other ways of disposing of these stuff where the fumes does not get into the soil and air. Conchita advised to her understanding the Air Force is pursuing an alternative technology in terms of open burning but it is closed and they have not come to any conclusion. The permit is very specific that if they are going to engage in burning they still

need to come back to Guam EPA for our approval. Conchita continued on by saying that if the agency is to approve the permit, the Air Force will not be able to utilize whatever new technology they may want to employ until they get Guam EPA approval. This will be a Class A modification which means it would need to go through another public comment period for approval. Per Conchita this will be a major modification and not an administrative modification. Chairman reviewed some of the concerns that Senator Perez had in her letter which is monitoring, strengthening the ground water monitoring and area emission detection, conducting studies on the aqua life and in water quality to name a few. Administrator chimed in stating that there seems to be a general belief that this permit is already approved and it is not. The agency is still doing the review and we do have a plan moving forward and again hopefully by the next board meeting we can rollout the plan so everyone can hear what we've finished. But our intensions are we've coordinated this with USEPA, we have them as our technical expertise and advisement as well with our technical expertise. Administrator referenced Conchita's comments and stated we are following the letter of the law for our regulation on the review; this is not an approved permit.

The Chairman opened the floor for comments from attendees. Moneaka Flores advised she is a member of two organizations: I Hagan Famalo'an Guåhan, which is an indigenous woman's organization and Protehi Litekyan. Ms. Flores expressed concerns regarding contamination. She noted emissions from this activity was not included in the environmental impact statements previously done. She noted these types of activities might increase with the relocation of marines from Okinawa to Guam. Ms. Flores stated there are places in the US where these practices have contaminated soil, water and air and caused diseases in the communities in which they take place. Moneaka added that dangerous chemicals are going to be released and we don't know the exact weight of them. She noted concerns that we are dependent on reports from the military in order to be informed. She commented there is a trend of under reporting when it comes to violations. Ms. Moneaka concluded with comments regarding flares and PFAS chemicals that will never leave our environment. The Chairman thanked Ms. Moneaka for her comments. He added he wants see if Guam can employ the alternative cleaner technologies that were identified in Senator Perez's informational hearing and if the Agency can ramp up its monitoring and compliance program oversight.

Ms. Joni Kerr provided comments regarding laws we have in place that protect our air, land and sea and we hold our community responsible. Incineration is illegal and it's not logical to approve an open burn site when we don't even approve an incinerator in which the method actually produces less emissions than an open burn pit.

Senator Perez commented that the permit doesn't state the total amount that's going to be burned per event, per day. She stated that is a critical gap in this permit and wanted to encourage the Administrator to look at that information. Senator Perez stated that Saipan does not have an open burn pit, and that flares contain forever chemicals. Chemicals will be disbursed and not destroyed. With PFAS on the horizon it's going to be identified as a hazardous chemical and we need to get ahead of the curve and prevent the dispersion rather than having to clean it up after the fact which is more difficult. Senator Perez added that PFAS contains carbon-fluorine bond which is the strongest bond and we need to

prevent the dispersion of PFAS chemicals which are highly used in the flares and munitions not to mention other toxic chemicals. Senator Perez commented that she thinks we should not just follow the letter of the law but the spirit of the law to protect our land, our people and our environment. Senator Perez also noted to her understanding there has been movement within US EPA to require alternative technologies. We have a unique opportunity to demand more at this time and not rush into issuing the permit. Senator Perez stated that Guam has been subjected to a lot of this contamination since the permit was in effect in 1982. The chemicals persist in nature and so we've been exposed to it over our lifetime and she believes a lot of us have been living on Guam since then or a portion of that time. Senator Perez reiterated her request to not approve the permit.

Ms. Joni inquired how the permit process works, referencing a prior statement made by Walter. The Administrator commented the letter they plan to send is not an approval letter; it is a plan of action that Guam EPA has laid out with concurrence and review by their regional counterparts. US EPA is reviewing the current OB/OD allowances that are going on now. Administrator advised he would like to present the proposal that will be discussed in the letter right now, but it will not be fair to the permittee as they have not been given the opportunity to hear what the proposal entails.

After hearing all of the comments provided, the Chairman asked if there were any additional comments or questions from attendees. There were none.

Chairman Carbullido made a motion to make it an explicit goal and direction of policy for our island's environmental protection agency to investigate the viability and possible implementation of the advanced treatment technologies that were presented in the Informational Hearing in coordination with DoD and US EPA and for Guam EPA to report back to the board their findings. The Chairman stated this permit is a single occurrence and it happens every few years, but he would like to make this a larger goal to investigate these cleaner technologies for future years. The Chairman asked if any other board member would like to second the motion. Director Duenas seconded the motion. All board members voted in favor; zero (0) opposed.

Director Duenas asked if there was a defined timeline as to when Guam EPA needs to give the Air Force a denial or approval in regards to the open burn/ open detonation permit. Kristan advised she does not know, off the top of her head, and she would have to research and asks if someone from HazWaste Program could provide an answer. Conchita advised there is a timeline which is why the agency had to send a letter to Anderson to advise them that the agency needs more time. The permittee is waiting for a final notice of decision from the Administrator.

- **Performance Evaluations** – The Chairman noted that all board members were provided the previous year's performance evaluations for the Administrator, Deputy Administrator, and Board Secretary. Chairman also comments for the new members that that the evaluation form will be filled out, reviewed and voted on by the board. The Board will go through the Administrator's PE first during next month's board meeting.

- **New Meeting Date/ Adjournment:** Next meeting was set for December 16, 2021 at 4pm via Google meet platform. Director Carrara made a motion to adjourn meeting and seconded by Director Hollister. All voted in favor, zero opposed, and regular meeting adjourned at 5:13 p.m.



Arlene Acfalle  
Board Secretary