



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, August 25, 2022 at 4pm  
Via Google Meet Platform**

**MINUTES**

- **Call to Order:** Chairman Steven Carbullido called the Board of Director's meeting to order at 4:05 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 in from Tamuning
Vice Chairman Steve Carrara	- Present calling in from Tamuning
Director Steve Hollister	- Present calling in from Agat
Director Fran Castro	- Present calling in from Ipan, Talofofu
Director Dave Duenas	- Present calling in from Dededo
Director Moneka De Oro	- Present calling in from Saipan

*\*Quorum has been established.*

- **Guam EPA Staff:** Michelle Lastimoza - Deputy Administrator, Arlene Acfalle, CAPT. Brian Bearden, Kristan Finney, Nic Lee, Sabrina Cruz-Sablan, Luong Truong, newly confirmed Board Secretary JeanAnn Artero.  
**General Public:** Jesse Chargualaf, Jr, William Janasak
- **Approval of Agenda:** Director Castro made a motion to approve agenda, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passed.
- **Approval of June 16, 2022 Minutes:** Director Castro made a motion to approve the minutes, seconded by Director Duenas. All voted in favor, zero (0) opposed and motion passed.
- **Approval of New Board Secretary: JeanAnn Artero:** Director Hollister made a motion to confirm the new Board Secretary, seconded by Director Castro. All voted in favor, zero (0) opposed and motion passed.

➤ **Administrator's Report** (provided by Administrator)

Administrator reported that over the last two weeks USEPA has been on island. The on-scene coordinators came to do a second round of sampling on Guam EPA property in Dededo and the adjacent properties. They are also looking to remove PCB metals and pesticide contamination left on the property.

Administrator introduced CMDR Elena Vaouli who is the Acting Pacific Island Office Manager. Also on island were Mr. Carl Goldstein who is the Guam Program Manager as well as Jared Vollmer who is the CNMI Program Manager. CMDR Vaouli addressed the Board with a brief introduction.

## ADMINISTRATIVE

- **Personnel:**
  - Agency participated in the Governor's Summer Youth Employment Program
    - Agency received 24 summer youth employees
    - Program ran from June 20 – July 29, 2022
    - Program funded by the Education Stabilization Fund
  - Agency continues to review resumes and applications for recruitments for **temporary and limited term appointments**.
  - Additional staff attended the mandatory GovGuam ethics training, pursuant to Guam PL 36-25.
  - Additional staff completed their Hazardous Waste Operations and Emergency Response (HAZWOPER) training for emergency response
  - Various personnel at the operations building were affected by COVID-19
    - Agency mitigation measures and risk management were put in place and deployed.
    - 6 employees tested positive for COVID-19 the week of August 8-12
  - Participated in 2022 Liberation Day Parade
  - Participated in Relay for Life 2022
  - Passing of Csep employee, David Ilo
  - Resignation of Drew Mora (EHS – Solid Waste)
  - New employees: Hannah Grass & Talia Meno (EHS1)
- **Agency Headquarters:**
  - Agency is working with Department of Agriculture on biological survey of the property
    - Vegetation survey tentatively slated for April 25-26
    - Update on NEPA process and Architecture and engineering design

## POLICY

- **Bill 284-36(LS)** – Public Hearing took place on May 11 and remains in committee.
  - SWMP manager Glenn San Nicolas, Recycling Officer Sabrina Cruz-Sablan and acting A/L Administrator Roland Gutierrez testified on behalf of the Agency
  - Agency testified in support of the bill
  - Bill highlights include:
    - Implementation of a Zero Waste Grant Program

- GWSA reimbursement of up to \$400K for residential recycling program
  - Changes to planning and administration of the RRF
  - Administrator can expend up to 10% of the fund for:
    - ❖ Operational costs directly related to recycling and zero waste for the Solid Waste Management Program, which includes but not limited to personnel, supplies, equipment, training of staff;
    - ❖ Compliance training for prospective recipients of Recycling Revolving Funds;
    - ❖ Implementation of a zero waste and recycling program for government and the community in accordance with this Article
  - Additional reporting requirements to the board and board approvals with fund expenditures
  - Agency must promulgate rules and regulations for the Guam Zero Waste Act
  - All monies in Recycling Revolving Fund are hereby appropriated, and shall continue to be deemed appropriated (recycling/ non-lapsing), to the Guam Environmental Protection Agency to be expended in accordance with this Article
  - RRF becomes non-lapsing
- **Emerging Contaminants – Small and Disadvantaged Communities Grant Program (BIL-funded) -** Guam EPA designated was designated as the grant lead.
    - Governor Lou Leon Guerrero submitted a notice of intent to participate in the Emerging Contaminants in Small or Disadvantaged Communities grant program
    - Grant program is authorize and appropriated under the Bipartisan Infrastructure Law.
    - Guam EPA will serve as the lead territory agency for this program.

#### PROGRAMS/ PROJECTS:

- **ADV Project Closeout Meeting – July 7**
  - Next project completed, all partners thanked
  - Next steps: phase two of removal
  - Special thanks to PAG, GPA, Coastal Management, Region 9 OSCs and Navy Task Force 73
- **Emergency Response Preparedness with Exxon – Triennial Training**
  - Local and federal partners along with Exxon Mobil’s Incident Command Instructor
  - Full scale exercise for planning and logistics
  - Singapore, Malaysia, Kuala Lumpur to participate
  - In the process of identifying which staff to designate to attend
- **Consent Decree Status Update Hearing**
  - Ordod Dump post-closure operations still under federal receiver GBB
  - Cost to maintain post-closure estimated \$56M
  - Managing the volume of leachate from the dump remains an issue
  - Next status update is slated for November 18

- **Civil-Military Coordination Council Meeting Convened June 29**
  - Discussions included environmental oversight on project J-755 Urban Combat Training Facility for the US Marines which includes a Vehicle Maneuvering Range, Urban Combat Simulation Range, Grenade Range, and a Live Shoot House.
- **Chamorro Land Trust Commission Meeting w/ Angie Camacho**
  - Discussions about solid waste violations on CLTC property
  - Compliance with SWM with CLTC tenants
  - Items is on the property is responsibility of the lessee
  - Exploring the possibility of strengthening trash service to those who hold CLTC residential leases
  - Producing PSAs for CLTC residential lease holders on properly managing solid waste is being considered
- **7<sup>th</sup> International Marine Debris Conference Abstract Poster Submitted August 15**
  - Abstract on Tire Reef Removal was selected for presentation at the 7<sup>th</sup> International Marine Debris Conference in Busan, South Korea in September.
  - Abstract proposals selected for the conference will be offered a speaking time in the Technical Session to which they were submitted.
  - Title of abstract: "Tire Reef Retired: 50 Years for Nothing"
- **Agency Participated in the 7<sup>th</sup> Annual Assembly of Planners Symposium – August 17**
  - EMAS to present on Watersheds
    - Kristan Finney, panel member
    - Brian Bearden, panel member

## ADDITIONAL COMMENTS

- **Ground Water Protection Zone Map**
    - The Chairman requested for that a status update be provided on the Agency's efforts on updating the 1986 Groundwater Protection Zone Map. It was noted in a prior meeting that UOG/WERI have graduate student(s) that are working on a hydrology report that can be used to update this GPZ Map that Guam EPA uses in its regulations.
  - **FY 2023 Budget**
    - Amendment on FY23 Budget was passed on August 23, 2022. It increases GEPA budget by \$470,574.00 for hiring and retention of employees, training, purchasing of equipment and supplies and services to support enforcement actions, and increases hazard protection.
- **RRF Appropriations for FY '23**  
 In the June Board Meeting, the Agency proposed \$1.5M for the MCOG Cleanup Program and \$500K for the stimulus waste removal program for board consideration for FY2023.

The Chairman inquired with Michelle or Sabrina if the reporting has been closed out for FY2021. Sabrina stated that for the past 2 months, she has been reaching out to set up a meeting with the Mayor's Council of Guam to discuss the disparity in the numbers for the FY21 Closeout. MCOG claimed to have \$5,500.00 as their balance. Guam EPA's numbers reported to be over \$200K which MCOG had to return. Sabrina further stated that she attempted numerous times to set up a meeting with MCOG as well as the ASOs but was unsuccessful. In the attempts to set up the meeting, she was able to speak to the Executive Director and he confirmed that Guam EPA's numbers were accurate. Executive Director was encouraged to attend this Board Meeting to be able to voice this topic or send an email stating his agreeance in the matter of the funds. Due to family affairs, the Executive Director was unable to attend the Board Meeting.

The Chairman stated that Agency has requested the Board consider \$1.5M for the MCOG Cleanup Program and \$500K stimulus budget for FY2023. He noted that the fiscal year starts on October 1, and in the event we do not have quorum in the September meeting, he would like to approve budget allocations for the programs in this meeting, whatever the amount may be, so that the programs can start at the beginning of the fiscal year.

Director Hollister addressed Sabrina requesting for MCOG's reason for being unable to meet for the past 2 months regarding the disparity in the numbers. Sabrina states that there was no reason given; just that she sent follow-up emails and calls.

Deputy Michelle then brought up concerns regarding that if Bill 284-36 becomes law, it rebrands the RRF into the Zero Waste Fund; and that there is a question if new rules and regulations needs to be passed for existing programs. The Chairman stated that there should be continuity written into the law, so that if it is the Agency's position that the MCOG Cleanup and Stimulus programs continue under the new Zero Waste Fund, that that be reflected in the new law. He requested that Deputy Michelle work with Legal Counsel Kristan and Walter to ensure the Agency's position is reflected in the law. Deputy Michelle confirmed that she will look into it.

Sabrina recommended that the Board fund the programs in this meeting. Chairman expressed support and noted the benefits of MCOG Cleanup Program. Director Carrara shared the same sentiments as Sabrina regarding passing a funding resolution so as to avoid the creation of new rules and regulations therefore posing complications to spend money from the budget.

Director Hollister stated he agrees to keep the program going, but disagrees to allocate the entirety of the funding when the MCOG is unable to have a meeting with Sabrina regarding the \$220K disparity. He continues to mention the constant issues the MCOG poses with this funding and the same issues keep recurring; he mentions accountability on MCOG's part. Director Hollister states that it is no trouble for the MCOG to claim the funding, but questions their stance on being available for transparency. Sabrina offered resolution and clarification to Director Hollister in the matter of allocating funding to MCOG in phases/quarterly, in lieu of the entirety. Chairman stated that the MCOG still needs to present their Spending Plan to the Board for approval and then an MOA will be drafted that is to be signed by GEPA and MCOG. Board members can propose including language in the MOA on ensuring funds are released contingent upon documentation submission and approval or some other variation.

Vice Chairman Carrara made a motion to allocate \$1.5M to the MCOG Cleanup Program and \$500,000 to the Stimulus Program. Director De Oro seconded, none (0) opposed. Motion passed.

Chairman then requested for Deputy Michelle and Sabrina to get the books closed out for FY 2021 and FY 2022 as soon as possible. It was noted that the process for FY22 was finetuned, so it will not take nearly as long as the prior fiscal year.

➤ **Notices of Violation**

- Primo's Heavy Equipment – Hearing Officer is coordinating with the attorneys.
- Samsung – Hearing Officer is coordinating with the attorneys.
- JJ Pacific Development– Agency to closeout after payment is made on the fine
- Lin's Hardware – Agency to conduct follow-up inspection to see if products are still there
- GPPC, Inc. (Crown Plaza project) – Agency to conducted follow up inspection, closeout.
- Upper Tumon Property – Water division staff conducted a site inspection a couple weeks ago. Same violator is involved in a new unpermitted clearing and construction operation with possible renting of RV trailers to tourists in Tanguisson Beach. Second case pending.
- Old Royal Palm Garage update – Agency to conduct follow up inspection
- Verona – Under new management, attempting to schedule a meeting. Individual is currently off-island.
- Cardona – Scheduling a compliance inspection, cleanup still underway.
- UMS Hardfill Facility in Mangilao (SWMP) – Penalty has been issued: \$7,000.00. Pending payment.
- Royal Palm Parking Garage – Contract has been awarded; cleanup is underway
- J755 Urban Range Project – NOV issued August 12

**New Meeting Date/ Adjournment:** Next meeting was set for September 15, 2022 at 4pm. The Chairman noted that Arlene Acfalle stated the Conference Room is ready for in-person meetings. The Chairman requested for the Board Secretary to poll the Directors and attendees from the Agency if they plan to attend in person. Virtual participation will still be an option. Director Duenas made a motion to adjourn meeting and seconded by Director Castro. All voted in favor, zero opposed, and regular meeting adjourned at 5:01 p.m.

JeanAnn Artero  
Board Secretary