



GUAM ENVIRONMENTAL PROTECTION AGENCY • *AHENSIAŃ 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, January 26, 2023 4pm
Via Google Meet Platform

MINUTES

- **Call to Order:** Chairman Steven Carbullido called the Board of Director's meeting to order at 4:05p.m. via the Google meet platform. Roll call was done by Acting 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 Steven Hollister	- Present calling in from Agat
Director Fran Castro	- Present calling in from Ipan, Talofofo
Director Dave Duenas	- Present calling in from Dededo
Director Moñeka De Oro	- Not Present (Off-island)

**Quorum has been established.*

Guam EPA Staff: Walter Leon Guerrero, Arlene Acfalle, Connie Afleje, Nic Lee, Jesse Cruz, Roland Gutierrez, Glenn San Nicolas, Sabrina Sablan, Kristan Finney, Juliana Mendoza Johnny Abendania, and Romeo Zacarias,

General Public: The Guam Daily Post

- **Video Conferencing Rules and Regulations** – Chairman inquired with the board members if there were any comments on the Rules for participation in board meetings by video conferencing which was approved on December 12, 2019. Chairman noted sections in the rules regarding video feeds and voting. Director Duenas noted that the rules do not require for cameras to be on. After board discussion, the Chairman inquired with Kristan if the verbiage can be changed in which Kristan advised it can be whatever the Board decides. The Administrator chimed in and stated since it is optional for the camera to be on, he recommends both verbal (voice) and visual should be practiced to ensure proper recording of votes. The Chairman inquired with the Board Secretary if she is capable to doing roll-call for every vote taken in which she advised yes, she can.

Director Hollister, Castro, and Carrara noted they would like everyone's cameras to be on at all times. Director Duenas was in support of it being optional. Chairman Carbullido noted that it should be the board's best practice to keep cameras on at all times but noted there are extenuating circumstances at times and recommended revising the rules language from "shall" to "may" for keeping cameras on

at all times during meetings. He agreed with the Administrator that cameras should be required to be on during voting and roll call.

Vice Chairman Carrara made a motion to have cameras on during attendance and voting roll-call by the Board Secretary and to have it optional during the duration of the meetings. This was seconded by Director Castro. All in favor and motion passes. The Chairman reiterated that it is always best practice to have one's camera on during virtual participation in meetings, especially when speaking.

- **Approval of Agenda and December Minutes:** Director Castro made a motion to approve the agenda and December Minutes seconded by Director Hollister. Board Secretary Acfalle conducted the roll call for voting. All voted in favor, zero (0) opposed and motion passed.
- **Administrator's Report**

Administrative:

Personnel:

- Onboarded three new employees:
 - One (1) Environmental Inspector 1 to the water division
 - EHS I to Air and Land - Orientating at the Permit Section
 - Clerk III to the Permit Team
- Agency continues to review resumes and applications for recruitments for temporary and limited-term appointments.

Budget/Procurement:

- We received \$470,574 which was part of our FY23 Budget from the Rainy-Day Fund
- We will be submitting a detail budget for the Used Tax @ 20%
- We are currently in the process of applying for the public outreach and education grant under the SWIFER- funding will be determined based on applications submitted before the deadline.
- Under the BIL Funding Guam EPA will be receiving:
 - Approximately \$500K from the State Revolving Fund (SRF) fund which is part of what GWA gets from USEPA
 - Approximately \$8M annually for emerging contaminants – pilot projects specific to Guam

Agency Headquarters:

- USEPA has been doing its assessment on the hazardous waste piles found on the property. Brownfield funding to be used to do assessment on the property as well. About 6 acres is like an illegal dump.
- Meeting with Madam Governor to discuss using funds from the RRF to be allotted to DPW to initiate contracts to get rid of the solid waste on the property
- Guam EPA has been notified by DLM that the title for the property is ready for pick up

Policy:

- Bill 360-36 was lapsed into law as Guam PL 36-139 on December 28:
 - Adds a new section to Agency's solid waste chapter and prohibits:
Open-burn of hazardous waste
 - Use of open-detonation to treat hazardous waste – excluding WWII unexploded ordnances until safer alternative technology is has been evaluated and made available on Guam
 - Agency has 60 days to promulgate rules and regulations from the date of enactment – Due approximately April 2023.
 - Meetings with US EPA in regards to the bill being too restrictive. If we keep the verbiage on the bill, Guam EPA may lose its primacy status on hazardous waste.
 - Information shared with Senator Perez and she is willing to modify the bill to amend the law.
- Bill 361-36 was signed into law as Guam PL 36-140 on December 28:
 - Promulgated local rules and regulations for review of new major sources (NSR), and major source modifications as a necessary requirement for Guam to show attainment, provide a State Implementation Plan and compliance with Clean Air Act Part D

Programs/Projects:

- Mr. Carl Goldstein, Guam Program Manager, R9 will be on -island next week to go over some yearly workplans, 5yr workplans and to take part on a REC9 meeting which is a communication with DoD. This meeting has not occurred in the last 8yrs.
- Solid Waste Management Program:
Guam EPA just completed the updated Integrated Solid Waste Management Plan (ISWMP) and the Guam Zero Waste Management Plan (GZWMP) and would like to have it added to the next board meeting as an agenda item for Board Approval. The Plan was prepared by Jacob's under contract with Guam EPA and in collaboration with Guam Stakeholders. The Plan Is funded by the Recycling Revolving Fund.
- Integrated Solid Waste Management Plan (ISWMP)
 - Provides a review of Guam's solid waste management system and the progress toward waste management and recycling goals.
 - Identifies existing programs & infrastructure – Waste projections – Waste diversion goals – Recycling & markets – Special wastes – Public education – and Administration.
 - Key improvements to the 2006 ISWMP include the following:
 - Closure of the Ordot Dump
 - Opening of the Layon Landfill
 - Construction of the Agat, Malojloj, and Harmon transfer stations
 - Establishment of the household hazardous waste collection center at Harmon
 - Implementation of landfill disposal bans on green waste, cardboard, inert materials, and recyclable bulk metals
 - Formation of the Guam Solid Waste Authority (GSWA)

- GSWA's establishment of tipping fees covering the true costs of disposal and debt service
- Construction of the materials sorting facility at the Mr. Rubbishman facility in Harmon, operated by Guahan Waste Control, Inc
- Establishment of residential curbside recycling program
- **Guam Zero Waste Master Plan (GZWMP)**
 - 1) Serves as a Blueprint for Zero Waste to provide a pathway to help Guam realize its vision of Zero Waste to preserve the environment for Guam's future generations
 - 2) The Plan includes 15 Zero Waste Initiatives phased out over a 20-year planning cycle for waste elimination at the source through product design and producer responsibility and waste reduction strategies further down the supply chain, such as recycling, reuse, and composting that will help build a sustainable local economy.

Other:

- Administrator will be participating in the CERC/LEPC Conference which is an emergency preparedness group.
- **In-Depth Update on Solid Waste Management Program** – PowerPoint presentation provide by SWMP Supervisor Glenn San Nicolas and Recycling Officer Sabrina Cruz-Sablan **PowerPoint presentation available upon request**

Q&A:

Director Castro inquired with Glenn if they take care of Hazardous Waste. Glenn advised the agency does have a Hazardous Waste Management Program. Glenn advised he does participate in the emergency response and used to work in the HazWaste Program.

- **Notices of Violation**
 - **New NOV's**
 - BME & Sons – Glenn advised an NOV and Administrative Penalty Order was issued on January 12, 2023 in the amount of \$19,200. – BME is currently on a payment plan and has already made their first (1st) payment.
 - Lagu Sanitation – Glenn advised this is for violations at their yard located in Bello Rd. for \$6K. Administrative Penalty Order has been paid in full.
 - Global Recycling – Glenn advised an NOV was issued on December 13, 2022 for \$4,500 – Administrative Penalty Order has been paid in full.
 - Tri-Star Terminals – NOV due to release of petroleum on January 8th at the Apra Harbor Terminal in Cabras. Administrative Penalty Order in the amount of \$12K. They have 15 days to either submit a Notice of Appeal or Notice of Defense.
 - **Old NOV's Updates:**
 - Primo's Heavy Equipment – Status Quo – Hearing Officer coordinating with Legal Counsels.

- o Samsung – Status Quo – Waiting on date for presentation and a site visit for Guam EPA, DoAG, DPW and SHPO.
 - o JJ Pacific Development– Kristan updated that she has been in contact with JJ Pacific but the NOV is still unpaid.
 - o Lin’s Hardware – No update – Status Quo
 - o GPPC, Inc. (Crown Plaza project) – Status Quo -Agency to conducted follow up inspection for closeout.
 - o Upper Tumon Property – Status Quo -Currently under investigation
 - o Old Royal Palm Garage update – Glenn updated the Parking garage has been demolished and the property is cleared. All the concrete rubble went to UMS Heavy Equip. The scrap metals and rebars went to SD Recycling and the accumulation of trash and litter was removed by Mr. Rubbishman.
 - o Verona – Glenn advised Verona is under new management and the agency is trying to obtain information on the new owner so we can engage with them to resolve the issue of the NOV.
 - o Cardona – Status Quo - Agency to provide update.
 - o UMS Hardfill Facility in Mangilao (SWMP) – Glenn updated UMS currently on a payment plan and has already made their first (1st) payment
- **Administrator’s Performance Evaluation** – Chairman inquired with the board members if they had any comments on the performance evaluation form that was distributed. Director Castro inquired if the accomplishments from last year till now are ongoing tasks. Administrator advised the work plan is ongoing and it keeps getting added to every year.

Director Castro made a motion to approved Section 4 (Administrator’s Performance of Budget & Management, Agency Program’s Administration and Policy & Strategic Planning) and Reasons for Retaining the Administrator of the Administrators performance evaluation seconded by Vice-Chairman Carrara and Chairman Carbullido.

Board Secretary Acfalle called roll-call for vote to approved the administrator’s performance evaluation and to retain the Administrator.

Roll-call by Board Secretary:

Chairman Steven Carbullido	Approved <u> X </u>	Not Approved <u> ___ </u>
Vice-Chairman Steven Carrera	Approved <u> X </u>	Not Approved <u> ___ </u>
Director Steve Hollister	Approved <u> X </u>	Not Approved <u> ___ </u>
Director Fran Castro	Approved <u> X </u>	Not Approved <u> ___ </u>
Director Dave Duenas	Approved <u> X </u>	Not Approved <u> ___ </u>

New Meeting Date/Adjournment. Next meeting was set for February 23, 2023 at 4pm. With all business on the agenda discussed and no further questions or comments by all present, the Chairman Carbullido adjourned meeting at 5:25pm.


Arlene Acfalle
Board Secretary