



AHENSIAN PRUTEKSION LINALA GUÁHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM  
WALTER S. LEON GUERRERO, ADMINISTRATOR

**Guam Environmental Protection Agency  
Virtual Board of Director's Meeting  
Thursday, March 18, 2021  
Via Google meet platform**

**MINUTES**

- **Call to Order:** Chairman Robert Perron called the Board of Director's meeting to order at 4:09 p.m. The following individuals were present during the virtual board meeting via Google meet **Board Members:** Robert Perron-*Chairman*, Florida Sanchez, Ann Roth-*Vice Chairwoman*, Steve Hollister, Steven Carbullido, Steve Carrera, and Nonito Blas **Guam EPA Staff:** Walter Leon Guerrero-Administrator, Arlene Acfalle, Kristan Finney, Conchita Taitano, Brian Bearden, Connie Afleje, Michelle Lastimosa, Michael O'Mallan, Sabrina Sablan, Roland Gutierrez, **General Public:** Andrew Gayle, Mariana Duenas
- **Approval of Agenda:** Director Carrera made a motion to approve agenda, second by Director Blas. All in favor, zero (0) opposed and motion passed.
- **Approval of Minutes:** *Chairman Perron noted a few corrections to be made: 1) Page 4 under G3 Staffing Implementation, 2<sup>nd</sup> paragraph change word from legal option to legal opinion. 2) Last paragraph, same section, clarify the statement that no vote from Board Chairman should state Chairman does not vote unless there is a need to break a tie.* Director Carbullido made a motion to approve the minutes subject to the changes made by Chairman Perron second by Director Carrera. All voted in favor, zero (0) opposed and motion passed.
- **Administrator's Report:** Administrator provided the Board update with:
- The 3 million dollars from DOI will be used for the architectural/engineering design and site preparation of our new building. The Dededo transfer station is slated to be the home of our new Guam EPA building. The DOI funds will be used as the foundation and startup of our building as we seek other grants.
  - In last month's meeting, we reported the loss of several employees. We have submitted the following GG1s to DOA for Environmental Tech, EHS 1, Inspector 1, PC 1, PC 2, Biologist 1, and Chemist 1. Chairman inquired what divisions were affected with the loss of employees. Administrator clarified it is within our Air & Land Division and EMAS.
  - The Cocos Tire reef removal project has started (*Please see below for update from Jesse*)
  - Landfill Cell 3 – A tour is being scheduled on Monday, March 22, 2021 in the afternoon with the GSWA. Administrator extended invitation to the Board if they would like to attend.
  - UST regs – Update provided under Old Business
  - Submitted the Notice of Intent to participate for the DERA (Diesel Emissions Reduction Act grant. In the past we assisted in the de-commission of old buses and obtaining new ones. This year the proposal could provide up to \$126,084.00, we have coordinated with the PAG to upgrade their semi-trucks  
*\*New competitive Insular Areas and Tribal Program. Details will be out in early April\**
  - Guam EPA will participate in Sector Guam's Oil/Hazmat Tabletop Exercise scheduled for April 15. This is a table top exercise that we have been invited to participate in
  - Online Mercury Training Response and Cleanup has been offered to our Team by USEPA OSC. Upon completion we will host a live webinar training. We hope to have the equipment shipped over by USEPA for hands on training.

- Guam EPA will be submitting for Environmental Justice grants. Small grant may target Covid impact on underserved communities, climate and disaster resiliency, emergency preparedness, diesel pollution near ports. Administrator and Deputy has a meeting with the region on some ideas for the grants. Grants can be up to \$50,000.00 a year.
- We will also be applying for the Environmental Information Exchange Network Grant. This grant will give us the ability to upgrade our IT to eliminate all the connectivity issues, to update our equipment and to assist the programs stated the Administrator
- Interns (unpaid) assigned to EMAS division. Discussion on how we can develop and implement an internship program with UOG.

Chairman inquired if there have been any updates on the Pacific Island Environmental Conference (PIEC). Administrator advised that it will be up to them to determine, but he has not received any update just yet.

## ➤ **Old Business:**

### ➤ **Water Division Active NOV's update**

- ❖ **Safe Drinking Water NOV's (Lin's Hardware, Su & Zheng Corp and Feiyang Construction & Engineering)**
  - No update for this month per Brian.
- ❖ **Smithbridge**
  - Discussions held with Smithbridge but nothing to report on at this time.
- ❖ **Piti failed septic system**
  - No update for this month per Brian.
- ❖ **Contract Watts**
  - No update for this month per Brian.
- ❖ **Dusit Thani**
  - No update for this month per Brian
- ❖ **Sand Castle**
  - No update for this month per Brian
- ❖ **Verona & Old Royal Palm Garage update**
  - Director Carrera advised that he heard the company applied for a Zoning Clearance Plan. He advised maybe Kristan, Legal Council, can reach out to attorney to see if there is an updated contact information. Kristan concurred. Chairman also updated that he received an email due to they are looking for someone to clean up the parking structure. Information was forwarded to Glenn to try and track someone down. \*\*Glenn received email from owner. The owners are trying to secure a contractor and they are also considering an engineer. We are not sure if they are going to demolish the structure or not, but he will submit his recommendation, if that is the route they are going to take, to phase it out. First phase to do the cleanup and second phase being the demolition etc. Chairman advised the RFP was to clean up the grounds between the two buildings and remove the items inside the garage. So hopefully they move forward with the plan said the Chairman.

Jesse chimed in for a quick update on the **Cocos Tire Reef Project** - Jesse updated that the Guam EPA Monitoring team completed the coral transplant to remove all the coral on the tire reef so the reef is ready for the project to start. The contract is currently at the Governor's office for signature. Once it is signed by the Governor we will meet with the contractor and initiate the project. We are hoping that the Governor will sign the contract this week or early next week and hopefully the contractor is in the water within the next week or two.

- ❖ **Korando update** -Roland advised that they have to returned to compliance and this NOV is closed. The only thing is if they are going to operate their machine (rock crusher) they would need to submit a permit.

➤ **Underground Storage Tank Rules & Regulations update:** Administrator advised the oversight Senator (Sabina Perez) has requested that we resubmit the UST Regulations. The agency is proposing a letter that based on the law the regulations should be approved. We are going to ask the legislature to explain the error and how we can move forward.

➤ **MCOG (RRF PL35-99) / MOU Update:** - Sabrina reported that to date the MCOG submitted \$308,000 worth of invoices equating to 420 abandoned vehicles amounting to \$287,121.50 and collected so far 2,867 tires amounting to \$12,880/25. So far, the mayor's council has submitted 124 invoices and there are still more out there because the mayors have maxed out their purchase orders for the abandoned vehicles. As far as the \$500K that was authorized for release in the last board meeting, our ASO reported that the paperwork is

already at DOA and waiting for funds to be uploaded. We also have up before the board the Administrator's recommendation for FY2022 which needs to be addressed before March 30, 2021. We went back and recommended the \$900K for the Mayors Island wide Cleanup Project. Again, last year the numbers that were brought before the board is an average of the expenditures of the last three years however the legislature gave them \$1.3 Million. To date we have given them \$1 million and we are not able to estimate how much will be returned back to the RRF account.

Director Carbullido clarified that for the first \$500K that was issued they only submitted \$308,000 worth of invoices and the next \$500K is about to be released. Sabrina concurred. Administrator reiterated that a decision for the FY2022 funds need to be decided on before March 30, 2021.

Vice Chairwoman Roth inquired why does it not address the \$2.3Million and only the \$900K for the MCOG and \$500K for the stimulus. Sabrina advised those are the recommended amounts and we currently only have the two initiatives that have been approved by the Board, Administrator advised there has been meetings to amend the regulations and added expenditures that we can put in. Vice Chairwoman Roth stated that the law states the Administrator will determine the amounts and present it to the Board. Vice Chairwoman also added that if we are only recommending the \$1.4Million there is still a substantial amount of money left that can be tapped on if we don't see the need to spend the funds. Administrator again advised that we are working on amending the rules & regs where the board can approve at a later date. Chairman inquired if we looking to have a motion or a resolution to approve the \$900K so that the funds are officially reserved. Sabrina responded with a yes. Vice Chairwoman Roth clarified that it is not just the \$900K but also the \$500K for the stimulus. Chairman concurred and asked if we can add to it later. Sabrina clarified that referring to the add on, the legislature is working on the draft rules for the RRF funding and there are multiple projects which we can fund at a later date. Director Carbullido stated if no other board members want to increase the amounts, he makes a motion to approve the \$900K for the MCOG and \$500K for the stimulus for FY2022. Director Hollister asked if we are able to add more funds to the MCOG or the stimulus at a later date if needed. Administrator stated that is one of the allowable expenses but we are also working on other projects that should be funded. Director Hollister understood and seconded the motion made by Director Carbullido. All in favor, zero opposed and motion passed to approved the Resolution.

- **Air Pollution: Findings of Failure to submit State Implementation Plan (SIP) update (for Attainment of the 2010 1-hour Primary Sulfur Dioxide (SO<sub>2</sub>) National Quality Air Quality update** – Roland updated that we submitted the modeling and they came back with two more minor things that need to be corrected. We are working on the emissions inventory and projected emissions for the attainment year. We did the roll, changed the permits, so once the inventory is done and the modeling is finished, we are going to package the SIP for review by USEPA. Once approved, it will be submitted to the board for review and the public notices will be sent out. No further questions from the board.
- **UOG Expenditure Plan continuation discussion** – Chairman updated that from the last board meeting the board was waiting on feedback from Kristan (Legal Counsel) if the expenditure plan followed the rules & regs of the RRF as mandated by the Legislature. Kristan advised that the plan doesn't follow the rules & regs of the RRF but it doesn't have to. Kristan advised she prepared a letter stating the Board is ok to approve the expenditure plan as there is nothing legally preventing the board from approving it with what is within their authority. Chairman inquired if the letter came from the AG's office. Kristan advised it came through the AG's office as she is the author of the letter. Chairman also inquired if the letter is irrespective to the legislature's stating it must meet the rules & regs. Kristan clarified that the Legislature directed UOG to meet the rules & regs that apply. When the Legislature made the appropriation, they put different parameters on it from the rest of the RRF, so all of the laws that applies to the rest of the RRF doesn't apply to the amount that they took out for UOG stated Kristan. She further stated it's an additional use to the RRF, in addition to all of the other things that the RRF is supposed to be used for. So, when the Legislature made this additional use, they also outlined how it was going to be used therefore, UOG has to make sure they are within those constraints. Director Carbullido requested if the UOG expenditure plan complies with the rules & regs of the RRF. Kristan reiterated it doesn't have to because the Legislature created this new use for the RRF. Chairman asked if it would be within the board's rights to not approve the expenditure plan irrespective of the legislation. Kristan advised they could but as she understood the Expenditure plan has been approved subject to a legal review. Chairman concurred. A motion was made by Vice Chairman Roth to accept the legal opinion of the Legal Council seconded by Director Hollister. All in favor, zero opposed and motion passed.
- **Continuation discussion of the Proposed Plastic Bag initiative:** *\*The proposed Guam EPA policy on the disposable bags were provided in the board packet which included Director Carbullido's comments.* Glenn advised for the most part 99% all the establishments that we visited are aware of the ban and are in compliance. Most vendors are already providing reusable bags or boxes. There are a lot of reusable bag questions said Glenn, in which we are working on the outreach. Chairman asked if there are specifications for the reusable bags. Glenn advised it has to be made of fiber and washable. Chairman asked if there is any action we need to take. Glenn advised we need to provide some FAQ's on our website with a 1-800 number the public can call if they have any questions. Vice Chairman Roth asked if we need the policy approved and Glenn advised yes, we do. Chairman asked if there is a motion to approve the policy. Vice Chairwoman Roth



made a motion to approved the policy, seconded by Director Carrera. All in favor, zero opposed, policy passes and is approved by the Board.

- **Election of Director Steve Carbullido as new Board Chairman update-** Director Carbullido thanked the members of the Board for their confidence and officially accepted his nomination as Board Chairman. Congratulations to the new Board Chairman and thank you to the outgoing Chairman Robert Perron.

#### ➤ **New Business**

Update on water division programs - Brian briefed the Board on the new Safe Drinking Water rules (*a copy of the handout will be available upon request as well as the recording for full update*) which will make its way to the Board in the next couple of months.

- **USEPA clean water and safe drinking water construction ban priority list**– Guam EPA worked with GWA to develop a priority list project for the expenditure of about \$10Million dollars a year from USEPA construction grant funding. Once we get the expenditure list together, we will advertise to the public for a 30day comment period. A public hearing needs to be held. Once we receive all the comments from the public, we need to take action on what makes sense, put together a response summary for the Boards consideration and approval.
- **Interim action level for PFAS contaminants in SDW-** This is written into our new statue. It is also a process in which our Board approves and manages. We would propose an interim action level with a risk assessment which would be advertised to the public for a 30day comment period. A public hearing needs to be held and then the Board would decide what to do from there on.
- **Selection of minimum lot sizes over the Northern Aquifer** - The zoning law of Guam requires Guam EPA to establish minimum lot sizes over the aquifer. We have been operating, up until a couple months ago, under the assumption that the groundwater protection zone map was what we delineate where the aquifer is. However, we did some work with the Dept. of Land Management and we found some prior Guam EPA memorandums between GEPA and DLM which establishes a different map to be used which covers the entirety of northern Guam from shore to shore and not the groundwater protection zone. *\*Brian shared his screen showing the Board the map of groundwater protection zone\** - Map was produced in 1987 by DLM. Right now, if you are within the aquifer (which is all of northern Guam) and you are not sewerred and not a parentally subdivided lot, you are required to have a half-acre size lot which is the minimum size you can subdivide to in all of northern Guam. If you have a parentally subdivided lot you can go to the minimum quarter-acre lot. If the groundwater protection zone map was used, they will be able to go down to a smaller lot size. What will come before the board is a decision whether we should go back to using the groundwater protection zone for that purpose and to approve the minimum lot size that were last communicated by DLM in 2009 memo, said Brian.
- **Occupancy Permit compliance:** Water division has adopted a new policy on how we will determine approval for occupancy permits for compliance with the (new) lead free requirement in the safe drinking water act and/or plumbing products. Prior to our new law, the old law requires all contractors or anyone trying to obtain an occupancy permit to have a water sampling test done for lead. We changed that because that is not how federal requirements work, said Brian. We changed it where the contractors only use certified lead-free products and to show proof either during inspection on site or provisions through packaging material that shows the certification.

#### ➤ **Board Reminders: Ethics Training (UOG) and Conflict of Interest form.**

Board Secretary reminded all board members of the virtual Ethics Training provided by UOG on March 22, 2021 and also to submit their Conflict-of-Interest forms to Guam Election Commission no later than April 22, 2021. GEC will not be accepting scan email as they did at the start of the pandemic in 2020. They now require the original be submitted to their office.

➤ **New Meeting Date/ Adjournment:** Next meeting was set for April 15, 2021 at 4pm via Google meet platform. *Director Carbullido* made motion to adjourn meeting and seconded by *Director Carrera*. All voted in favor, zero opposed, and regular meeting adjourned at 5:25 p.m.



Arlene S. Acfalle  
Board Secretary