



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, May 19, 2022
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 from in 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	- Not present

**Quorum has been established.*

- **Guam EPA Staff:** Walter Leon Guerrero- Administrator, Michelle Lastimoza-Deputy Administrator, Arlene Acfalle, Kristan Finney, Connie Afjelle, CAPT. Brian Bearden, Jesse Cruz, Nic Lee, Roland Gutierrez, Margaret Aguilar
Guests: Jesse Chargualaf, Jr, Mauryn McDonald (GWA), Angel Sablan (MCOG)
- **Approval of Agenda:** Vice-Chairman Carrara made a motion to approve agenda, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passed.
- **Approval of April 2022 Minutes:** Director Castro made a motion to approve the minutes, seconded by Vice Chairman Carrara. All voted in favor, zero (0) opposed and motion passed.
- **MCOG's request to approve the transfer of funds for the MCOG Island-wide Environmental Cleanup Program:** Connie updated in regards to the request to release remaining funds for FY22, the balance is \$650K. The deobligated amount for FY21 reported by MCOG is \$5500. Connie advised the deobligated amount differs from her balance, but she will work with MCOG to rectify the difference.

Administrator chimed in and stated in regards to FY22 which ends in September 2022, the \$700K being encumbered already, not necessary spent, but the agency recommends the remaining balance be provided to MCOG so they have the opportunity to encumber and expend the funds for the remainder of the fiscal year.

Chairman clarified with MCOG Director Angel Sablan that the invoices have been tallied and the amount to be returned if \$5500 is to be returned to Guam EPA. Chairman advised is looks like we are at the 98% mark and has no objection to the release of the remaining funds.

Mr. Angel Sablan advised the difference between the numbers from MCOG and Guam EPA is probably because DOA is still processing invoice that were submitted by April 30th. Although they have been posted they may not have been paid out or expended. Mr. Sablan went on to say they tried to expend the whole \$1.3M because they didn't want to return a lot of money back to the RRF. The initial drawdown of \$850K was for abandoned vehicles and white goods. The release of the remaining \$650K would allow them to start on the collection of tires, loose metals, electronics and green waste. Mr. Sablan added that the current process with Sabrina is working very well and there has been FY22 invoices submitted already to DOA.

Director Castro inquired if the expenditures have to be completed by Sept. 30, 2022 in which Mr. Sablan advised that is correct. He also added that the PO's will expire on Sept. 30th as well. Connie clarified for Director Castro that Sept. 30th is the last day for encumbrance of all purchase orders and that the agency has 90days to submit all invoices for processing. Expenditures can happen after once invoices are submitted for services up to Sept. 30th only.

Chairman stated he is an advocate to find a solution to make it a true revolving system to alleviate all the back and forth transfer of funds.

Chairman asked for a motion in which Director Hollister made a motion to approve the release of the remaining \$650K to MCOG, seconded by Director Castro.

➤ Administrator's Report:

ADMINISTRATIVE

- **Personnel:**
 - Introduction of the new staff to the Board of Directors (Earl Flores, Computer Tech I, Wyatt-Permit program, Rebecca Menge-Pesticide Program, Elaine Leon Guerrero-Clerk I, Drew Mora-EHS I/SWMP, Malia Tom-Computer Tech, Rosemarie Cortado-EMAS Division, Juliette Fujihara-Chemist I/ EMAS Division, Sierra Bettis-SDW Program, Alex Aflague-Chemist/EMAS Division, Ezell Simon-EHS/SWMP)
 - WALTERS Contractor, Innovate, on island to work on additional permitting system development: May 16-20. Max Marno, Consultant for the contractor for our WALTERS electronic database system worked with all programs to continue system enhancements, development and troubleshooting. Max advised one thing we have been trying to

accomplish is decreasing the amount of hard copy paper transfer information and keeping track of everything on the electronic database.

- The agency applied for the EN grant (exchange network grant) which won't be available till next fiscal year however part of that grant would go to improvements to the permit application process and decreased paper hard copy waste and providing a more streamline public applicant interface.

Recording becomes inaudible

POLICY

- **Bill 245-36 is now PL 36-98 –Signed May 13th.**
 - Relative to extending the paper bag ban on retail and wholesale establishments from July 1, 2022 to July 1, 2025
- **Bill 284-36(LS) – Public Hearing took place on May 11th**
 - Bill highlights include:
 - Implementation of a Zero Waste Grant Program
 - GSWA 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, and 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 the Recycling Revolving Fund are hereby appropriated, and shall continue to be deemed appropriated, to the Guam Environmental Protection Agency to be expended in accordance with this article
 - RRF becomes non-lapsing

PROGRAMS/ PROJECTS:

- **Guam EPA Earth Week Proclamation Signing Ceremony- April 22**
 - Theme was “Invest in our Planet”
 - Agency Administrator recognized the stewardship and environmental protection efforts from public, private and civic groups
 - In celebration of Earth Week, and with the assistance of the Dededo Mayor’s Office, the agency performed a cleanup on April 29 at the entrance to Two Lover’s Point.
 - Removed 15 cubic yard MSW, 3 cubic yard recyclables, 26 junk tires and a white good

- **Mariana Islands Area Contingency Plan Meeting - April 28 at Adelup**
 - Deputy Lastimoza attended this meeting
 - US Coast Guard Sector Guam co-lead
 - Agency provided updates on emergency responses for product releases and into Guam's waterways for 2Q FY22.

- **PFAS Stakeholder Meeting - April 29**
 - To discuss localized issues on PFAS
 - PFAF Stakeholders meeting: Attendees included DPHSS, GWA, UOG WERI, USEPA
 - USEPA ready to make it make PFAS a hazardous substance in the circular world which puts a regulatory framework around PFAS and not just something that is detrimental to people's health
 - GWA and the Navy has done extensive sampling different locations throughout the island

- **OB/OD with Anderson Air Force Base**
 - Agency was advised that the Navy wants to continue with OB/OD operations to be a permitted facility which the agency does not agree
 - More information at a future time

Chairman inquired on the status of the hearing officer. Connie advised the contract has been signed and completed. The contract has been submitted to DOA to be recorded.

- **GEPA request to review and approve the FY2022-23 Safe Drinking Water & Clean Water Construction Grant Project Priority List:** *Chairman has recused himself from this agenda item and handed the floor over to Vice-Chairman Steven Carrara.*

Copies of Guam 2022-2023 Clean Water and Safe Drinking Water Construction Grant Projects Priority List PowerPoint presentation, delivered by CAPT. Brian Bearden and Ms. Mauryn McDonald of GWA, is available upon request

CAPT. Bearden provided a quick recap on the agenda item and advised that this is a construction grant program and not a state revolving fund as it is called in the 50 states. The money is provided in an annual basis to the territories and it funds drinking water and clean water which is another word for wastewater and sewer infrastructure projects. In Guam, it is about \$10Million per year but due to the bipartisan infrastructure law it has added \$26Million additional each year for the next 5 years. The construction grant program is not administered by Guam EPA or GWA but by EPA Region 9. Guam Waterworks Authority, under EPA Region 9 policy, is the only authorized grantee of this money. CAPT. Bearden added the way the grant works is called a project priority list or the projects that can be funded.

Timeline: A virtual public hearing was held on April 14th and the 30 day written public comment period expired on April 20th and no written comments were received on the project priority list. The next step is the list is presented to the Guam EPA Board of Directors for consideration and adoption during a public meeting at the Board. After that the list is forward to US EPA, Region 9

and they begin their process of the formal approval. US EPA Region 9 can begin drawing down and provide these funds to GWA to start conducting construction project in that process.

Director Castro made a motion to approve the project priority list, seconded by Director Duenas. All voted in favor, zero (0) opposed and motion passed.

➤ Notices of Violation

- Primo's Heavy Equipment – Hearing Officer Contract assigned.
- Samsung – Hearing Officer Contract assigned. NOV still active. Site visit was done by CAPT. Bearden and Administrator. Work is still on-going to clean the cave, work on the ponds to improve the drainage system within the site and to re-vegetate. Samsung has also started the process of pumping out the sediment inside the cave. Guam EPA is still very active in monitoring and making sure they complete all of the items on the original NOV which are not yet finished. Vice-Chairman Carrara inquired if this is part of the settlement. Kristan advised the settlement was from the OAG lawsuit which is separate from the enforcement action. The only way that they relate is that Samsung agreed to pay the penalty and to drop their appeal but they still have to comply with all of the compliance order. Administrator chimed in to added that based on the visual observation the agency had compared to when the project was first issued the NOV, they have a lot of grass covered which is a big component of removing sediment off the site. Jesse also chimed in to update that the holdup of the pumping and cleaning of the cave was due to the archeological finds which they found in the area they were going to create the pond for the pumping out of the water. The operator's came up with an innovative way to use the above ground pool as the holding area for the sediment washing out.
- JJ Pacific Development–Status quo- Guam EPA to follow up and get them to pay the penalty and move forward with what they want to do on their lot after the penalty is paid.
- Lin's Hardware – Status quo – Guam EPA to follow up and verify if uncertified products are still being sold. Guam EPA plans to issue a new order under the new current safe drinking water laws
- GPPC, Inc. (Crown Plaza project) Status quo – NOV has been resolved and Guam EPA to calculate the penalty and communicate with the violator
- Upper Tumon Property – Status quo- Guam EPA is in the process of finalizing the inspection reports and moving forward with a penalty order.
- Old Royal Palm Garage update – Status quo - No change in status.
- Verona – Status quo - No change in status.
- Cardona – Status quo – Pending penalty negotiations.
- UMS Hardfill Facility in Mangilao (SWMP) – Status quo - NOV issued and no notice of appeal was received. SW program working on penalty assessment.

- **New Meeting Date/ Adjournment:** Next meeting was set for June 16, 2022 at 4pm via Google meet platform. Director Castro made a motion to adjourn meeting and seconded by Director Duenas. All voted in favor, zero opposed, and regular meeting adjourned at 5:17 p.m.



Arlene Acfalle
Board Secretary