



AHENSIAN PRUTEKSION LINA'LA 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, October 22, 2020
Via Google meet platform

MINUTES

- I. **Call to Order:** Chairman Robert Perron called the Board of Director's meeting to order at 4:03 p.m. The following individuals were present during the virtual board meeting via Google meet **Board Members:** Robert Perron-*Chairman*, Ann Roth-*Vice Chairwoman*, Flori Sanchez, Steve Hollister, Nicholas Pape, Steven Carbullido, Steve Carrera and Nonito Blas **Guam EPA Staff:** Walter Leon Guerrero- *Administrator* Michelle Lastimoza-*Deputy Administrator*, Arlene Acfalle, Nic Lee, Sabrina Sablan, Kristan Finney, Connie Afleje, Conchita Taitano, Brian Bearden, Michael O'Mallan, Roland Gutierrez, Vince Pereira, Don Quinata
- II. **Approval of Agenda:** Director Carbullido made a motion to approve agenda, second by Director Pape. All in favor, zero (0) opposed and motion passed.
- III. **Approval of Minutes:** Director Carbullido made a correction on Page 2 under New Business: Contested Evidentiary Hearing, Line 11 to state Attorney Finney and all board members have no objections, Chairman made a correction on same paragraph line 25 to correct spelling of statute instead of statue and line 28 to correct the spelling of word dismal to dismissal, Director Pape requested to change I to Attorney Rons on line 16 on same paragraph. Vice Chairwoman Roth moved to approve minutes pending changes, second by Director Pape. All voted in favor, zero (0) opposed and motion passed.
- IV. **Administrator's Report:** *Beginning of Administrator Report was not audible due to technical issues during the recording* Based on notes taken from the Board Secretary *Administrator having meetings with divisions to discuss priorities for each program and staffing. He also talks about teleworking and office occupancy during this pandemic and what management can do.* Administrator spoke about the UST and Safe Drinking Water which was sent to the Legislature and we are waiting for it to go on the floor. Administrator also mentioned that he, Michelle and Conchita attended the Island Beautification Task Force meeting and stated that Conchita gave a beautiful presentation on the waste characterization. Administrator advised that Connie will be providing an update on the budget law that was passed, more specifically in regards to the RRF. An update will also be provided by Roland regarding the State Implementation Plan (SIP). Although we have been assured by the Region that we will receive no ramifications, we wanted to give an update to the board just in case it should go out to the media.
- V. **Old Business:**
 - **Active NOV's** – Brian advised there are no new updates and NOV's are at status quo
 - Safe Drinking Water NOV's update (Lin's Hardware, Su & Zheng Corp and Feiyang Construction & Engineering)
 - Smithbridge update
 - Piti failed septic system update
 - Contract Watts update
 - Dusit Thani update
 - Sand Castle update

- Verona & Old Royal Palm Garage update – Administrator updated that have changed ownership and Glenn is reaching out to Revenue & Tax and Department of Land Management to try and locate new owners.
- Underground Storage Tank *Update provided from Vince Pereira however recording not audible* Based on Board Secretary notes, Vince advised that we received a response from the Governor, so a draft letter for the Legislature was submitted to Administrator for signature. Administrator advised a copy of the draft letter was provided to the board in their meeting packet. The UST packet was sent to the Legislature.
- MCOG, RRF funds and appropriation update – Connie provided update on the budget law and stated that as of right now the RRF budget law 3599 basically appropriated \$2,365,000 for FY2021. Out of that fund \$1.3Mill is allocated to the MCOG. She stated the Board inquired about the \$900K that was approved in March 2019. The Board discussed if they wanted to rescind their allocation of the \$900K or is this on top of or included in the \$1.3Mil that was allocated to MCOG from the Legislature. Connie mentioned that Sabrina has been working with the MCOG in regards to the invoices and with DOA as for any discrepancies. After all the discrepancies have been addressed the MCOG and the Board are to sign anew MOU for the \$1.3Mil for FY2021. From the \$2,365,000.00, \$1.3Mil is allocated to the MCOG, salaries and benefits for Sabrina leaves a balance of \$1,004,996.00. With the outreach and Zero Waste Program (\$400K) the balance is \$604,996.00. Vice Chairwoman Roth inquired where the \$2,525,000 that was reported on last minutes is. Connie advised that was the money that was appropriated for FY2020. Vice Chairwoman Roth inquired on the amount that was budgeted for FY2020 that was not spent. Connie noted she is not able to provide the Board a complete financial update due to DOA is still updating the AS400. Connie noted that as of this meeting only the \$2,365,000 has been loaded into the RRF. Chairman noted that funds expire at the end of each fiscal year. Administrator noted the money will remain as part of the RRF and not go into a general fund and these numbers can be provided once the work on the AS400 is complete. Director Carbullido inquired if the \$400K for “outreach” is part of the Recycling Industry Economic Stimulus Program. Administrator advised it is not. Connie stated the \$400K consists of \$300K for the Zero Waste Program and \$100K for “outreach”. Director Carbullido noted that \$500K has been appropriated by the Legislature to UOG for their G3 program. Director Carbullido noted the GEPA Board appropriated \$500K for Recycling Industry Economic Stimulus program and \$900K for the MCOG Island-Wide Environmental Cleanup Program in their Board Meeting in March 2020 for FY2021. Director Carbullido noted the Legislature’s budget for FY2021 included \$1.3Mil for the MCOG Island-Wide Environmental Cleanup Program and \$500K to UOG for the G3 program. Director noted it will be good to know what amount in the RRF is still unbudgeted as there are two (2) programs the Board listed on their August 17, 2020 letter to the Legislature (the Integrated Solid Waste Management Plan and the Guam Beverage Container Program) to see if these programs will have funding. Connie noted UOG (G3) would need to submit an expenditure plan to the Board. The Board then has 30 days from receipt of the plan to approve before any expenses are done. Connie did note that the expenditure plan for both UOG and MCOG must meet all applicable rules and regulations of the RRF and the plan can be amended as needed to abide the current statutes and requirements for proper documentation. Vice Chairwoman Roth wants clarification that the \$900K which was approved in March is not on top of the \$1.3Mil which was allocated by the Legislature. The Board Chairman advised a motion would need to be made and voted upon if that is the intention of the Board. Vice Chairwoman Roth moves to rescind the \$900K and only approved the \$1.3Mil that was approved. Chairman noted they can come back and approach the Board if they need additional funding, if necessary and proven. Sabrina updated the Board on the \$466K that was given to the MCOG for FY2020. This was used for the Island Wide clean up but we have yet to receive the invoices for the close out so she is not able to provide the board with final figures. However, whatever unused balance remaining from the \$466K cannot be carried over to FY2021. We would have to start new with a new MOU and whatever unused funds from the \$1.3Mil cannot be carried over for the next fiscal year and this was concurred by Connie. Kristan also mirrored off Connie’s statement.

Vice Chairwoman Roth reminded the Board she has a motion on the table to get clarification that the \$900K is not an addition to the \$1.3Mil that was allocated but instead it is inclusive of the \$1.3Mil. The motion was seconded by Director Pape. All in favor, zero (0) opposed and motion passed.

Director Pape suggests to avoid all the discussions on allocated amounts, appropriated amounts, unappropriated amounts, budget, carry overs etc. if Connie can come up with a detailed spreadsheet format that answers all these questions. He mentioned the Financial Statement that is provided to the Board is not

adequate for this purpose. Chairman asked Connie if this can be prepared for the Board for their monthly Board Meetings.

Director Carbullido asked when can or will the \$1.3Mil be ready to be released from Guam EPA to the MCOG. Sabrina noted the MCOG would need to submit a new MOU. The MCOG would need to submit their expenditure plan for Board approval and as of this date no plan has been submitted. Director Carbullido requested confirmation that the holdup is not with Guam EPA Board of Directors. Ms. Sabrina confirmed this. It was discussed that a news article in September 2020 inaccurately stated that *"The Guam EPA Board approved the funds in July, giving the Mayors two (2) months to use the purchase orders during the height of a Coronavirus pandemic"* when in fact, the Board voted in March 2020 after hearing for months in their board meetings about the concerns on the discrepancies in the supporting documentation for FY2019. Chairman asked the Administrator if our PIO should respond to misinformation in the media. Administrator said he leaves it up the Board if they want the PIO to do this. Director Pape agrees to remain proactive. Director Hollister asked Sabrina how the reporting process is going. Sabrina advised it is better than when we first started.

VI. **New Business:**

- Update on budget bill – Please refer up to the MCOG, RRF funds and appropriation update
- Findings of Failure to Submit State Implementation Plans (SIP) for Attainment of the 2010 1-Hour Primary Sulfur Dioxide (SO₂) National Ambient Air Quality - Roland advised that we did not fail to submit the SIP. Guam EPA has not updated the SIP since 1976(e) and we did not have the current expertise to prepare it so GPA offered to hire an air company (TRC) to help write the SIP because it involved doing modeling protocols. Since 2016 we have been working with the TRC to draft up a modelling protocol and the SIP itself. The SIP was due on October 19, 2019 and was submitted but there were certain elements that were not included. So it was not a fail to submit, more so a failure to complete. We were relying on TRC to guide us in completing the SIP and the role making that was supposed to be accompanied with it. According to the expert because we do not do new source report which is done by USEPA as part of the agreement we had for taking over the primacy with it. After submission of the SIP they advised us that we now need to promulgate a new source review rule which in conjunction with USEPA we've completed the draft new source review rule and amended the SIP submittal our emission control protocol to amend all of the permits for the Cabras Piti non-attainment area as they are still using the bulk fuel. Once we amend the permits they must stop using bunker fuel and switch to ULSD by December 31, 2021. If they don't they must shut the plant down. If they do not shut down Cabras 1 & 2 we would need to issue a NOV to GPA because that would be in line with the SIP that we are doing. A copy of the new draft rule has been submitted to Legal Counsel (Kristan). Once the package is complete it will be sent to the Administrator and the Board and sent through the approval process. We have 18 months before the start initiating sanctions against us which generally takes six months. The main sanction is that they will hold Section 30 Federal Highway Funds. Administrator chimed in and stated this is why we wanted to keep the form updated before anything is sent out to the general public.
- Performance Evaluations for Administrator, Deputy Administrator and Board Secretary – Chairman advised we will use the same Performance Evaluation from last year. Chairman will send the format to John McCarroll for input. Chairman asked what format they are going to use for Deputy and Board Secretary. Vice Chairwoman asked if we can use the agency template. Administrator advised that the Performance Evaluation form is normally used for classified employees. PE are not mandatory for unclassified employees, but he would like to document the accomplishments of the Deputy and the Board Secretary. Board agrees to use the same format as the Administrator for the Deputy and the Board Secretary.

- VII. **New Meeting Date/ Adjournment:** Next meeting set for November 19, 2020 at 4pm via Google meet platform. *Director Pape* made motion to adjourn meeting and seconded by *Vice Chairwoman Roth*. All voted in favor and meeting adjourned at 5:24pm.



Arlene S Acfalle
Board Secretary