



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, September 22, 2022 at 4pm
Via Google Meet Platform**

MINUTES

- **Call to Order:** Chairman Steven Carbullido called the Board of Director's meeting to order at 4:00 p.m. via the Google meet platform. Roll call was done by Board Secretary, JeanAnn Artero, as follows:

Board Members:

Chairman Steven Carbullido	- Present calling in from Dededo
Vice Chairman Steve Carrara	- Present calling in from Tamuning
Director Steve Hollister	- Present calling in from Agat
Director Moñeka De Oro	- Present
Director Fran Castro	- Present calling in from Saipan
Director Dave Duenas	- Present (late)

**Quorum has been established.*

- **Guam EPA Staff:** Deputy Administrator Michelle Lastimoza, Board Secretary JeanAnn Artero, CAPT. Brian Bearden, Connie Afleje, Nic Lee, Sabrina Cruz-Sablan, Roland Gutierrez, Jesse Cruz
General Public: Jesse J. Chargualaf, Jr.
- **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 August 25, 2022 Minutes:** Director Castro made a motion to approve the minutes, seconded by Director De Oro. All voted in favor, zero (0) opposed and motion passed.
- **Administrator's Report** (provided by Administrator)

ADMINISTRATIVE

- **Personnel:**
 - Agency continues to review resumes and applications for recruitments for **temporary and limited term appointments**. Since last Board Meeting, the agency lost 1 EHS to resignation and will be losing 2 more (temporary) EHSs; 1 IT Tech will be resigning end of September.
 - Staff continue GovGuam mandatory ethics training pursuant to Guam PL 36-25.

- Additional staff completed their Hazardous Waste Operations and Emergency Response (HAZWOPER) training for emergency response
- **Budget/Procurement:**
 - Senator Perez's floor amendment to FY23 budget act was passed on August 23:
 - Guam EPA – Increased appropriations by \$470,574 to increase regulatory capacity through the hiring and retention of employees, training, purchasing of equipment, supplies, and services to support enforcement actions, and for increasing hazard protection.
- **Agency Headquarters:**
 - September 2022: Guam State Historic Preservation Officer sends concurrence to Guam EPAs Section 106 (National Historic Preservation Act) determination of “no adverse action” concerning the design portion of our Capital Improvement Project funded by the US DOI on the basis the US EPA is the lead on critical removal action and collaboration on reporting any historical properties found during the cleanup and survey of the subject property.

POLICY

- **Bill 284-36(LS)** – Public Hearing took place on May 11 and committee report is being drafted for introduction into the next legislative session.
 - Guam EPA Administrator submitted written testimony in support of Bill 284-36(LS)
 - 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
 - Bill to be presented during the legislative session on September 23, 2022

- **Guam EPA working with the Administration, Attorney General, and Legislature on issues related to septic system permitting**
 - Guam Association of Realtors (GAR) has raised an objection to existing GEPA policy (since at least 1997) which allows exemptions from one-half acre minimum lot size for unsewered “parental subdivision” lots only, which are allowed to be as small as 9,600 square feet (roughly one-quarter acre). This stems from GEPA putting a hold on a small number of permits this year (2 or 3) for failure to provide land documentation showing that they were parental lots. The lots were instead what are called decedent lots - in which the original owner has died, and the court distributes the lots to their decedents.
 - A significant component of the GAR’s complaint is GEPA’s current policy to adhere to the 1997 lot size memo while awaiting a legal opinion from the Office of the Attorney General, which was requested in 2019. The question asked by GEPA was whether the land laws overrule environmental rules, in this case the Guam Water Quality Standards, which sets the half-acre requirement. The GAR is of the opinion that GEPA’s decision to allow continued permitting of one-quarter acre parental lots only is an unfair policy because it does not take into account the decedent lots.
 - GEPA has been in consultation with Senator Sabina Perez on potential legislation she is working on which would amend the Toilet Facilities and Sewage Disposal Act in a number of ways.

PROGRAMS/ PROJECTS:

- **Agency Participates in American Water Works Association (AWWA) Conference**
 - Held at the Dusit Thani from August 31 – September 2
 - Theme of the conference: “Investing in Our Islands’ Waters”
 - Featured presentations from industry experts in water and wastewater management, including:
 - Julie Mendoza, Guam EPA EHS 2 with SDW who presented on:
 - Lead and Copper Rule Revisions and upcoming requirements for public water systems
 - Capt. Brian Bearden, PE, Guam EPA Chief Engineer who co-presented on the management of septic systems in island aquifers
- **Agency Participated in Tabletop Exercise for Catastrophic Oil Spill Response with Exxon-Mobil – September 13-15**
 - Held at the Hilton
 - Included ISCs and JIC exercises in the event of a major product release at Apra Harbor following a major earthquake
 - TTX of this scale occurs every 3years
 - Participants included USCG, local and federal officials and Exxon-Mobil Singapore and other international partners involved in a spill response

- **US EPA Pacific Islands Environmental Directors Meeting – Sept. 12-15**

- The Pacific Islands Environmental Directors meeting is
- Jesse Cruz presented on abandoned derelict vessels
- Capt. Brain Bearden presented a segment called “Science Priorities in the Pacific Islands”

- **Permitting**

- WALTERS (digital system) permits so far this FY: 1,132
- Average building permit approval time for FY22: 13 days
- Average grading permit approval time for FY22: 15 days
- Regulation time frame for approval is 30 working days, or about 6 weeks/42 calendar days.
- Average occupancy permit approval time for FY22: 8 days
- Military (MILCON) permits remain a challenge due to rapidly increasing project count and shortage of review staff (engineers). Discussions are on-going with DOD regarding resources to support increasing permitting and inspection load.
- Not all permit types are processed digitally yet. Occupancy permits transitioned to fully digital during Q3 FY22. Operator Certifications are being transitioned now. UIC permits to transition FY23.
- Water Division permitting actions so far this FY: 1,360. See Water Division permitting actions chart by month for detail. Peak permitting load was in May, but overall permits are up significantly compared to previous two years.

- **MCOG Updates: As of September 22, 2022**

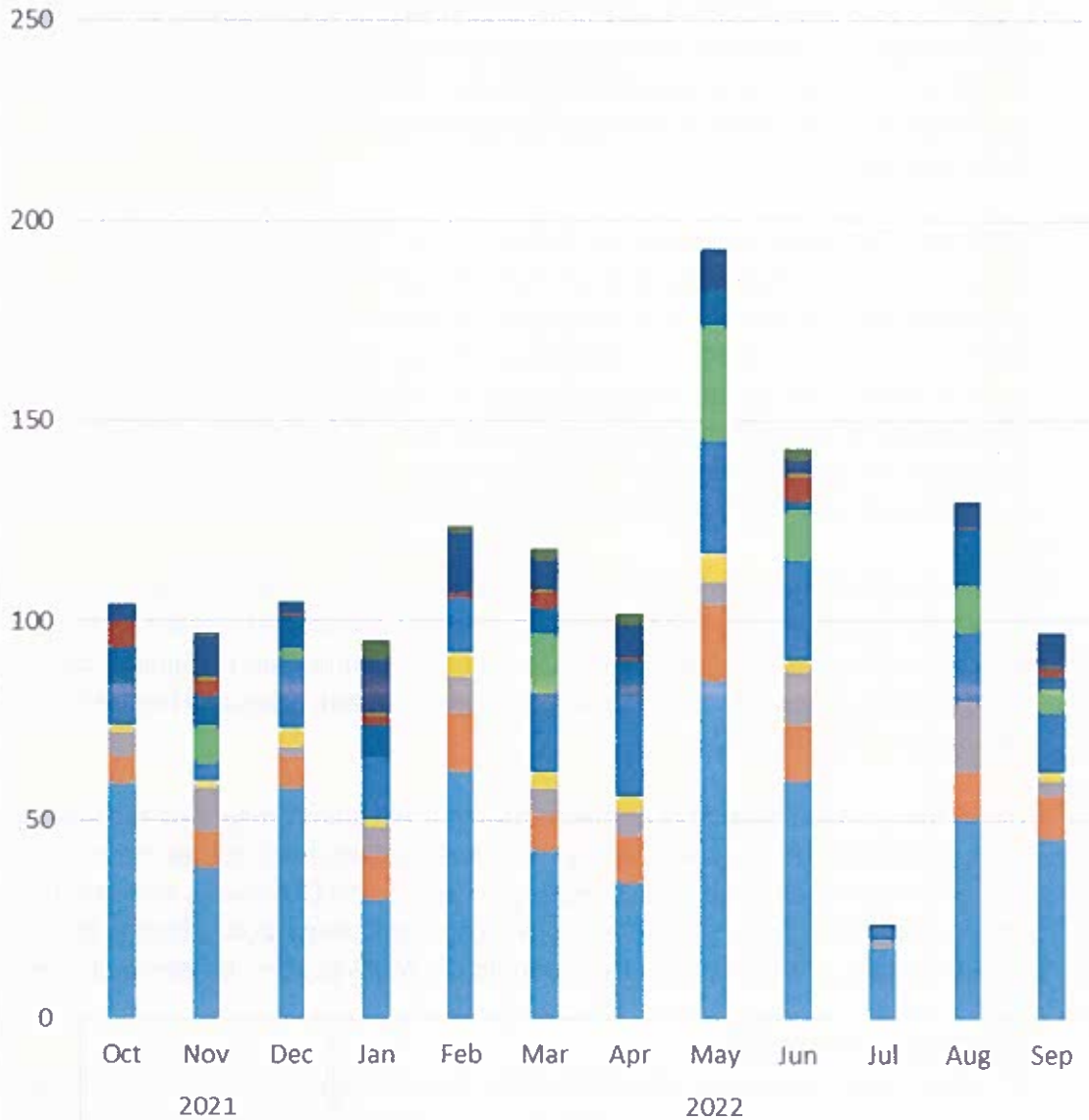
MATERIAL	AMOUNT	QUANTITY
AV COLLECTION	\$22,100.00	144
AV PROCESSING	\$44,500.00	178
WHITE GOODS	\$15,949.00	215 R 30F 43WH
TIRES	\$3,784.00	473
GREEN WASTE	\$13,480.00	430 CY
LOOSE METALS	\$21,960.00	580 CY

YTD INVOICES	\$651,157.00
AV Collected	1,412
White Goods	972
Green Waste	707 CY
Loose Metals	698 CY
Tires	826

**Public Law 36-107 (Budget) authorizes 1.5 million to the MCOG from the RRF, but is subject to approval of the Board for the MCOGs expenditure plan.

Count of Permit type

GEPA Water Division Permitting Load, FY 2022



Permit type

- building
- MILCON
- opcert renewal
- well driller cert
- grading
- occupancy
- UIC
- well drilling
- H2
- opcert new
- wastewater disposal
- well operation

Years Date

Chairman Carbullido opened the floor for the Board to pose any questions they have about the explanation of the MCOG update. Director Fran Castro states she doesn't have any questions, rather, a concern: she requested for these statistics to be shared to the Board of Directors to review. Director Hollister questioned the Deputy for the reasons the staff resigned. The Deputy replied that the Guam EPA has been a wonderful stepping stone for career advancement confirming that 2 former staff have resigned to advance in careers off-island; the other resignation was due to an emergency; another was based on personal reasons. She welcomed any suggestions from the Board, and the agency is open to reviewing resumes and applications from applicants.

Chairman Carbullido requested the status on the FY21 RRF. Deputy Lastimoza states the FY21 RRF has not been closed out as of yet, Sabrina confirmed. Sabrina mentions her contact with Mr. Angel Sablan with the MCOG in attempts to discuss FY22 as Guam EPA doesn't recommend moving forward as FY21 hasn't reached a closeout. Mr. Sablan is currently off-island and will get back to Sabrina during the week of October 3, 2022; he requests to be added to the agenda for the October Board of Directors Meeting. Chairman Carbullido advises that it's best to closeout FY21 prior to the beginning of FY23. He also shares that the MCOG can send their spending plan a week in advance compared to the typical submission 10 minutes prior to Board Meetings.

Chairman Carbullido asks if Guam EPA has looked into the Zero Waste Fund Law, or if comments have been provided regarding the continuation of the program, or if new rules and regulations are to be formulated. Deputy Lastimoza chimes in stating that the agency has 30 days to initiate rules and regulations for the Zero Waste Grant Program. Language has been removed so as to avoid rebranding the RRF.

Chairman Carbullido inquires on the following proceedings regarding the agency's headquarters after receiving SHPO's letter. Deputy Lastimoza replied that the Department of Agriculture has also submitted their biological survey report and Guam EPA awaits approval to move forward. She further states that Guam EPA is looking to begin preparations for the RRF for the architectural and engineering design should the NEPA process be deemed complete.

➤ New Notices of Violation

- J755 Urban Range Project – CAPT. Brian Bearden was not at liberty to explain further as an appeal has been filed. Guam EPA issued an NOV to CHK; Andersen South: vehicle maneuvering range, grenade training range, urban combat training area, indoor shoot house, and a few other activities. Basis for the NOV is constructing without full permission and completion of the design review process. The matter is under review by the Board's Hearing Officer.
- Primo's Heavy Equipment – Hearing Officer is coordinating with the attorneys.
- Samsung – Hearing Officer is coordinating with the attorneys.
- JJ Pacific Development – Guam EPA Legal Counsel in progress with paperwork to support closeout

- Lin's Hardware – Agency to conduct follow-up inspection to see if products are still available
- GPPC, Inc. (Crown Plaza project) – Agency to conducted follow up inspection, closeout.
- Upper Tumon Property – Currently under investigation
- Old Royal Palm Garage update – Agency to conduct follow up inspection
- Verona – Pending further contact with new owner
- Cardona – Compliance inspection scheduled for October 20, 2022
- UMS Hardfill Facility in Mangilao (SWMP) – Penalty has been issued: \$27,000.00. Pending payment that is due October 27, 2022
- Royal Palm Parking Garage – Cleanup underway
- **Ground Water Protection Zone Map Update:** Dr. Jensen has a graduate student working on a project that proposes updates to the map. Tentative completion around May or June of 2023. At that point, recommended updates to the map can be made. Changing the map in its entirety is a process requires a public comment period.

New Meeting Date/Adjournment:

Next meeting was set for October 20, 2022 at 4pm. Director Hollister made a motion to adjourn meeting and seconded by Director Castro. All voted in favor, zero opposed, and regular meeting adjourned around 4:40 p.m.

JeanAnn Artero
Board Secretary