



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, March 16, 2023

MINUTES

- **Call to Order:** Chairman Steven Carbullido called the Board of Director's meeting to order at 4:10p.m. Via the Google meet platform. Roll call was done by Acting Board Secretary, Arlene Acfalle, as follows:

Board Members:

Chairman Steven Carbullido	- Present Guam EPA Conference Room
Vice Chairman Steve Carrara	- Present calling in from Tamuning
Director Steven Hollister	- Present Guam EPA Conference Room
Director Fran Castro	- Present Guam EPA Conference Room
Director Dave Duenas	- Not present
Director Moñeka De Oro	- Present calling in from Saipan

**Quorum has been established.*

Guam EPA Staff: Michelle Lastimoza, Arlene Acfalle, Connie Afleje, Nic Lee, Jesse Cruz, Roland Gutierrez, Glenn San Nicolas, Kristan Finney, Brian Bearden, and Romeo Zacarias

General Public:

- **Approval of Agenda:** Director Castro made a motion to approve the agenda, seconded by Director Hollister. The Chairman and Board Secretary Acfalle conducted roll call voting for Vice-Chairman Carrara and Director De Oro who were in attendance virtually. (Director Duenas not present). All voted in favor, zero (0) opposed and motion passed.
- **Approval of February 2023 Meeting Minutes:** Director Castro made a motion to approve minutes seconded by Director De Oro. The Chairman and Board Secretary Acfalle conducted the roll call voting for Vice-Chairman Carrara and Director De Oro who were in attendance virtually. All voted in favor, zero (0) opposed and motion passed.
- **GSWA Request for Reimbursement from the RRF –** Mr. Irvin Slike, GSWA General Manager, was present virtually alongside Ms. Katherine Kakigi, GSWA Comptroller. GM Slike advised that they are requesting for reimbursement under the household hazardous waste program to cover the cost of shipping of these collected items off-island. GM Slike also noted that the board received copies of the March 16th letter of request from GSWA and the legislation that approved the \$400K for the

reimbursement. Chairman inquired if the request was a cost proposal or was it already cost incurred. GM Slike advised it is an ongoing program. Ms. Kakigi clarified that the amount of \$1.7Mill (on the spreadsheet) is for all the recycling services GSWA provides but they can only request for reimbursement of \$400K to go towards household hazardous waste. Chairman inquired if the amount of \$167K was for 1st qtr. FY23 in which Ms. Kakigi agreed. Chairman inquired with Kristan if this program is set to reimburse the \$400K per fiscal year or is it for GSWA to drawdown on the funds. Roland clarified that the law states GSWA can request for the \$400K per fiscal year for reimbursement. Roland also noted that the agency will be preparing an MOA as to how the funds will be used. Director Castro and Hollister advised they would like to table the request and wait till Guam EPA prepares the MOA. Vice Chairman Carrara inquired if GSWA will inquire additional expenses or late fees with the contract if we table this till next month. Ms. Kakigi advised the law states Guam EPA will reimburse only after expenses have been incurred by GSWA. She also added they GSWA is current with payment to their vendor and there will be no issues tabling this for the next meeting.

- **RRF Funding for FY24 and Allocation of funds to DPW** – Tabled till April meeting due to agency not ready to present
- **Administrator's Report** (provided by Mr. Jesse Cruz, EMAS Administrator in the absence of Acting Administrator Michelle Lastimoza)

Administrative:

Personnel:

- Agency continues to review resumes and applications for recruitments for temporary and limited-term appointments.
- Certification Packets received for the EHS II. Interviews are ongoing.
- Certification Packets received for Air & Land Administrator position. Interviews forthcoming
- TBD USEPA Contractor (Weston Solutions, Inc.) to possibly conduct Advanced First Aid and CPR training while on island 2/27-3/9.

Budget/Procurement:

- No updates

Agency Headquarters:

- Agency received the official property title to the Dededo lot on March 2.
- USEPA will be on island 2/27 thru 3/9. Mission is to further characterize the additional waste piles discovered in November, and also pilot waste pile separation and screening to see what sort of waste reduction can be expected.
- EPA plans to return in May/June and spend several weeks continuing the separation/screening work; will need this work to be done in order to know the final volumes and characteristics of the hazwaste to determine ultimate fate (treatment, transport, disposal).

Jeremy Johnstone will reach out to SWMP Glenn and ASD Serena to discuss disposal options and procedures for segregated green and municipal wastes.

March 2023 will mark Guam EPA's 50th anniversary

- Venue is TBD on March 29 from 9am - 4pm
 - Event will be Education and Outreach. Theme is "Educate While We Regulate"
 - Pesticide Enforcement Program will be conducting CORE and Cat-7 exams
 - General outreach and education will be conducted for all of the agency's programs, regulations and statutes
 - Invitation letters have been sent out – invitees are encouraged to register at gepa50.eventbrite.com
 - Event is free to attend and space is limited

Policy:

Open Burn/Open Detonation

- Sen. Chris Duenas [Bill 52-37](#) to repeal subsection (a)(9) of 10 GCA §51111 to:
 - Lift the restriction of OD for emergency response, and;
 - Acknowledge the agency's concerns over liability to approve alternative technology for UXO disposal.
 - Signed into law on Feb. 21 as [Guam P.L. 37-1](#)

Use Tax and the Environmental Trust Fund (ETF)

- Sen. Perez introduced [Bill 55-37](#) which seeks to amend 11 GCA §28112(c) to fund the Agency's Environmental Trust fund via use tax collections.
 - 11 GCA §28112(c) currently reads: "20% of use tax collected in the previous fiscal year shall be appropriated to the Guam Environmental Protection Agency, Environmental Cleanup Fund to cover the costs associated with preserving Guam's natural resources."
 - [Bill 55-37](#) will make the 20% collection a continuous appropriation to the ETF and mandates that the appropriation be placed into the ETF within twenty (20) days following the end of the month that the funds were collected
 - The EFT is currently funded through the 2% collection fee assessed on all commercial and industrial liability insurance premiums paid in Guam for individuals and companies on Guam
 - Current authorized EFT expenditures include:
 - Up to 25% of the fund may be used for programs which support prevention of environmental problems, and the promotion of keeping a safe and healthy environment.
 - no more than \$5K for the purposes of assessment, cleaning up hazardous materials and restoring and repairing damages done to the Guam environment in a declared emergency

Removing Prerequisite Training for Employees Applying General Use Pesticides

- Sen. Parkinson introduced [Bill 76-37](#) which seeks to amend 10 GCA §50102(k) and repeal 10 GCA §50107(d).
 - 10 GCA §50102(k) amends the definition of Core Training, removing “for applying general use pesticides as required under §50107 (d) of this Act” from the definition.
 - 10 GCA §50107(d) states: Training. Any person who applies general use pesticides as the primary part of his/her job or duties shall be required to meet specific training requirements as set forth in the regulations promulgated under this Chapter.
 - Agency met with Sen. Parkinson and expressed opposition to this measure, citing past incidences where untrained individuals mixed general use pesticides causing illness in the workplace

Programs/Projects:

Homeless Relocation Initiative – SWMP

- Spearheaded by the AG’s office in conjunction with MCOG, Lt. Gov., GPD, DPW, OHPP
 - Initiative seeks to clear homeless encampments and relocate encampment populations
 - First area addressed was the lot by the Micronesia Mall intersection, adjacent to route 34 on March 2.
 - Junk vehicles, white goods, bulky waste, municipal solid waste and household hazardous waste are present at these encampment sites
 - Agency tasked with assisting with waste characterization to help government officials determine the proper disposal methods

Zero Waste Guam Forum for Mobilization and Implementation – March 1

- Forum provided updates to the ISWMP and ZWMP
 - The ISWMP reviews Guam’s solid-waste-management system and charts the path toward developing a sustainable materials management system in Guam.
 - The ZWMP provides sustainable solutions and a long-term programmatic approach for Guam to make real aspirations of a zero-waste Guam using a green circular economy as the pathway
- The forum brought together Guam EPA, the Port Authority of Guam, the Bureau of Statistics and Plans, the Office of Infrastructure Policy and Development, the business community, and non-governmental organizations.

Director Hollister inquired on the employee shortage of the agency. Jesse advised current staffing is at 52 and deferred to Connie for clarification. Connie clarified that we currently have 51 employees out of the 75 max staff leaving 30-40 vacant positions.

Director Castro inquired if we have been receiving a good pool of applicants in which Jesse advised we get 1 or 2 a week and it gets vetted out at DOA but we have not been getting a good number. The agency has been participating in outreach programs and is still actively recruiting.

Director De Oro added that she hopes all vacant positions can be filled but questions if the office building can absorb its max capacity of all employees. Jesse advised the agency is maxed out in regards to space in both buildings but we will make it work to ease the workload. Director De Oro also inquired if the agency has made any headway with GCC in regards to a boot camp program similar to the Port Authority of Guam. Jesse advised Acting Administrator Lastimoza met with Dr. Okada from GCC last December. Dr. Okada is supportive of the program and we are waiting on GCC to come up with the appropriate curriculum.

- **Septic system lot sizes and potential changes to laws and regulations briefing** – PowerPoint presentation by Capt. Brian Bearden, Guam EPA Chief Engineer. **PowerPoint presentation available upon request** At the end of the presentation Capt. Bearden inquired if the Board will be willing to consider signing a resolution to express support for the proposed changes listed on the presentation. The first would be to clarify that one quarter acre parental lots, 9,600 sq. foot parental subdivision lots and to also decide if we want to include decedent lots which could be developed as long as they are required to use one of the nitrogen reducing treatment systems. The next thing the agency would like the board to consider and put in the resolution is allowing the additional types of facilities subject to operating permits, holding tanks and advance treatment systems. The agency would also like to find out if the board will support the enhanced enforcement revisions including the disconnection of water service and authorizing smaller setbacks, not necessarily any numbers for those setbacks, but authorizing Guam EPA to move forward with regulation which would go through another public process with the Board.

Q & A:

Director Castro inquired on how hard it would be for water disconnection. Capt. Bearden advised it will be a provision placed into the law which would allow Guam EPA to tell GWA to disconnect a particular customer in which GWA will be required by law to perform the disconnection. Capt. Bearden also stated there were some tests written into the bill that it had to be a threat to public health and notice provisions. Director Castro inquired if GWA will be supportive with this. Capt. Bearden stated upon speaking with GWA, they are supportive of this as long as the law is clear of the procedures.

Director De Oro both inquired if this is only for lots that are over the northern Guam aquifer or for the entire island. Capt. Bearden advised the law applies to the entire island. The issue to the parental subdivision lot size is what primarily applies to the northern aquifer zone. Capt. Bearden added that setback issues and issues with allowing people to use a holding tank to reduce setbacks will apply island-wide. Director De Oro also inquired as to why developers would want to use these measures instead of hooking up to public sewer. Capt. Bearden advised this is the exact problem. There are large portions of northern Guam that are not sewered and are miles away from public sewer. Capt. Bearden also added that these parts of the island are being developed the most and noted that if a

lot is near sewer they are required by law to hook up to public sewer and not have an option to select a different septic system if they are within 200ft of public sewer.

Chairman Carbullido also inquired in regards to nitrates is the quarter acre for the whole island or only those above the northern aquifer. Capt. Bearden clarified it's for those lots above the aquifer. Capt. Bearden added lot sized and unsewered lot sizes is a traditional way of controlling nitrate pollution. The original 1982 northern lens Guam aquifer study included a calculation of what a minimum lot size needed to be to keep nitrate below a certain level and that was 3acres. They ended up recalculating that to be 1 home per acre on the assumption that northern Guam will never be developed. So what we have seen is they have been able to get away with these half acre lots and the nitrate levels rising above the calculated levels which is 4mg per liter.

Director Hollister chimed in with concern about the staff shortage stating if Guam EPA does not have the staff capability to monitor this, it may be abused. Capt. Bearden agreed that we will need man power to make this work. Jesse inquired if the fee schedule will be implemented as well. Capt. Bearden advised that a pumping tank company is licensed by Guam EPA and will be risking their license by submitting false information so one of the things the agency has done to prevent abuse is placing a requirement on the maintenance contractors to do the inspections and report the info back to Guam EPA.

Director De Oro inquired if there is any plan on expanding the sewer infrastructure for lots over the northern aquifer. Capt. Bearden advised there is, and GWA has a plan of how they are going to expand sewer coverage. It will not be 100% as GWA does not have that level of funding to cover northern Guam. GWA has a system in place to prioritize areas based on nitrate levels in wells but it could take decades to have any impact on nitrate reduction in the aquifer.

Chairman Carbullido and Director Castro stated they are in support of discussion and resolution to assist with this issue. Director De Oro inquired if we could touch more on composting toilets system. Capt. Bearden advised he placed that in the slideshow as this is included in the latest edition of the International Private Sewage Disposal Code and it is an option for certain uses like a family beach but it does not usually solve the situation. Composting toilets should only take the bodily waste. It is a limited option and is currently not allowed, but should be allowed for some limited uses.

Vice Chairman Carrara stated he is in support of a resolution however he is concerned on how these are being addressed and the impact of those construction. Vice Chairman Carrara stated the agency needs to work hand in hand with the legislature and the administration because the partial subdivisions have no plan. After hearing the concerns of Vice Chairman Carrara, Director Castro inquired if we should have a roundtable discussion to involve all stakeholders and lawmakers. Roland

also suggested reaching out to the Governor's office to advise of these issues and to establish a taskforce to assist.

Deputy inquired with Kristan if it would be possible to hold a meeting outside of a regular board meeting. Kristan advised it depends on what type of meeting and if the board will be deliberating towards a decision then the board will need to have notice and follow the open government law. Kristan also advised that Capt. Bearden's presentation were specific to the changes in the toilet facilities and sewage disposal act, that Guam EPA implements. This would allow these other options for facilities beyond connecting to a sewer of the traditional septic tank and sewer. The proposal would also add protection in regards to operating permits and to expand the enforcement capability. Kristan also advised that what Brian is looking for at this point is support from the Board if the agency should pursue this forward.

Chairman made a motion to have the agency provide its stance/white paper and recommendation on the issue for board deliberation and revision as necessary, seconded by Vice Chairman Carrara. All voted in favor, zero (0) opposed and motion passes.

- **Briefing on the Integrated Solid Waste Management Program (ISWMP) and the Zero Waste Management Program** – Glenn provided a summary of the updated ISWMP and the ZWMP for Guam EPA board approval and resolution. Glenn added both plans were provided to the board for their review prior to February board meeting and an invitation was sent out to the board to attend the Guam Zero Waste mobilization and implementation forum on March 1, 2023.

Glenn advised that the ISWMP aims to meet the statutory requirement of 10 GCA CH51 §5119 to include source reduction, recycling, composting, resource recovery, sanitation and landfilling. The plan connects the 2006 ISWMP, GSWA solid waste management facilities and the Guam ZWMP. The main differences of the two plans is the closure of Ordot dump and the opening of the Layon landfill, GSWA transfer stations located in Agat, Malojloj and Harmon household hazardous waste transfer station along with the curbside recycling. Glenn stated as part of the plan the agency has to do a waste composition study that basically gave Guam EPA a pathway to target some of the waste streams that we were trying to divert from the landfill. Glenn added in the plan they propose five special waste categories that are recommended for safe management in the landfill. Currently these waste streams (shredded tires, treated lumber, asbestos, lights fog and non-hazardous treated contaminated soil) are not allowed into the landfill. It provides a summary of the agency's responsibilities for outreach and education and it also outlines the responsibilities for Guam EPA and GSWA.

Glenn provided a summary of the 111 page ZWMP which is zero waste initiatives. The initiatives were gathered from residents, businesses, students and government agencies to develop the ZWMP.

Based on the input received it went from 15 to 12 zero waste initiatives planned out for the next 20 years in phases. The new initiatives added were the mandatory island wide collection, the mandatory food waste collection and organics composting, mandatory recycling in commercial, government buildings and public spaces (formerly known as GovGuam Recycles). The recycle and reuse waste tires was the greening roadways project but evolved to tire derived aggregate for use in drain applications such as septic systems and surface water runoff. This was used to manage the runoff in place of clean drain rock for the percolation trenches that are used to measure the surface water runoffs. Glenn also stated that the recycle waste oil is an up and coming issue. Since GPA converted to low sulfur diesel its becoming more of a problem. Currently it's being sent off island but the agency needs to come up with a plan for alternative uses for that resource.

Glenn stated that this is the implementation time frame for the ZWMP. However the time frame for some initiatives such as the construction demolition debris processing facility which was projected for 2035 is currently in place and the composting facilities as well.

Glenn advised the board that the agency is looking for board consideration for approval and board resolution for the Integrated Solid Waste Master Plan and the Guam Zero Waste Master Plan. Chairman requested that the board resolution be prepared for board review

Notices of Violation

- New NOV's
 - Chairman Carbullido inquired if the programs have any new NOV's to report. Capt. Bearden advised water division issued a NOV with a \$1.7Mil penalty to a repeat violator, Mr. Park. The agency issued a stop work order in November of 2021 to Mr. Park for work without a permit on his Upper Tumon property. Our inspectors went out last summer and gave Mr. Park several opportunities to correct the issue but he continued doing work and also dumped solid waste over the edge of the cliff in Tumon resulting in a solid waste NOV. During the fall of last year, we found that he was also clearing a property in Tanguissan beach and ultimately started an unpermitted tourist resort with 10 RV camping trailers, an unpermitted public water system, wastewater collection system and holding tank. The resort was fully connected to GPA power resulting in the agency issuing a dual NOV for both sites. Capt. Bearden noted that the violations all fall under the soil erosion and sediment control regulations. Capt. Bearden also added that the NOV was issued on February 27, 2023 and his time to request for an appeal has lapsed and we have not received anything in the mail.

New Meeting Date/Adjournment: Next meeting was set for April 20, 2023 at 4pm. With all business on the agenda discussed and no further questions or comments by the remaining board members, Chairman Carbullido adjourned meeting at 5:35pm.


Arlene Acfalle
Board Secretary

