



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA'LA' GUÅHAN
LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM
MICHELLE C. R. LASTIMOZA • ADMINISTRATOR

**Guam Environmental Protection Agency
Board of Directors' Regular Meeting
Thursday, January 30, 2025**

MINUTES

- **Call to Order:** Vice Chairman Steven Carrara called the Board of Director's meeting to order at 4:19p.m. from the Guam EPA Conference Room. Roll call by Board Secretary, Arlene Acfalle, as follows:

Board Members:

Vice Chairman Steve Carrara	- Present (in-person)
Director Steven Hollister	- Present (in-person)
Director Fran Castro	- Present (in-person)
Director Danny Taitingfong	- Present (in-person)
Director Cathleen Moore-Linn	- Present (in-person)
Chairman Steven Carbullido	- Present (virtually) late log in

Quorum has been established

Guam EPA Staff: Michelle Lastimoza, Arlene Acfalle, Connie Afilleje, CAPT. Elizabeth DeGrange, Glenn San Nicolas, Romeo Zacarias and Malia Tom

General Public: Dave Castro– Guam Daily Post, Ariana Millard

- **Approval of Agenda:** Director Castro made a motion to approve the agenda, seconded by Director Moore-Linn. All voted in favor, zero (0) opposed and motion passes.
- **Approval of December 19, 2024 Meeting Minutes:** Director Castro made a motion to approve the December 19, 2024 meeting minutes, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passes.
- **Administrator's Report** - Provided by Administrator Michelle Lastimoza

ADMINISTRATIVE:

Personnel:

- As of 01/10/2025: **53 FTEs** (Full-Time Equivalent)

Agency Headquarters:

- **UPDATE:** Meeting with proposed vendor on Monday February 3rd, Negotiations still in progress
- no contract has been signed at this time



POLICY:

- Vice speaker Tony Ada is the committee chairperson for environment
 - Administrator Lastimoza and US EPA Guam Program Manager, Carl Goldstein met with Vice Speaker Ada today. Discussion included the agency's future plans which includes updates to our regulations, and revising our fee schedules which are 30yrs old
- Also, based on our former chairperson, Senator Sabina Perez, she is also working on some environmental regulation and looking to introduce the:
 - **Universal Garbage Collection:** A comprehensive island-wide plan that lowers waste collection costs while offering discounted rates for low-income households.
 - **Environmental Trust Fund Bill:** Using 20% of the used tax collected this would strengthen funding for the Guam EPA to bolster compliance and enforcement of Guam environmental laws to protect our aquifer and Guam's abundant water resources, curbs illegal dumping in order to protect the health of our people and environment for ours and future generations.

PROGRAMS/PROJECTS/PARTNERSHIPS:

UPDATES: MOAs with the Agency – January 6:

- MOA with MCOG for IECP funded by the RRF was signed by the governor on January 6, 2025. Funds are with the MCOG now.
- MOA with GWA for PFAS monitoring testing was routed to the AG for review on January 7, 2025. ASO Connie Afilleje confirmed we received it back, and that is for \$500,000 to be transferred to GWA from the EC-SDC grant so they can do the testing until such time Guam EPA can conduct the analysis.

Comments submitted on the Draft EIS for the Enhanced Integrated Air & Missile Defense System to CDLO – December 17, 2024:

- Comments were relative to how each missile defense site would manage waste water on site, munitions disposal, Clean Air Act compliance for standby and prime power, hazardous waste management and fire suppression systems.

Agency holds public hearing for the State Implementation Plan (SIP) under the Clean Air Act – December 27, 2024:

- Agency held a hearing to seek public input on our intent to submit 22 GAR § 1310 and 22 GAR Chapter 1, Article 8 to US EPA for approval and inclusion into Guam's State Implementation Plan
- The SIP is a collection of regulations and documents used by a state or territory to implement, maintain and enforce the National Ambient Air Quality Standards and Clean Air Act requirements.
- 22 GAR § 1310 is relative to compliance with CAA NAAQs for criteria air pollutants including, SO₂, CO, NO_x, ozone, lead and particulate matter
- 22 GAR Chapter 1, Article 8 is relative to New Source Review Rules for new and modified sources of SO₂ in nonattainment areas.
- No one from the public attended - public notice was issued in accordance with Open Government law.



EPA Region 9 Enforcement & Compliance Assurance Division Visit – February 2025:

- EPA Region 9 ECAD will be in Guam to perform drinking water monitoring testing at four public water systems: GWA North, Guam Plaza Resort & Spa, Guam International Airport, Guam Regional Medical City
- The testing is funded by the US American Rescue Plan
- Monitoring testing is focused on sampling and analysis of the fate and transports of PFAS and pesticides which may be impacting water customers
- They will be collecting about 400 samples in a weeks' time

Agency holding coordination meetings for dieldrin IAL implementation – January 8, 2025:

- Agency Safe Drinking Water Program has met with GWA to advise the authority on the implementation of the dieldrin IAL on January 8, 2025
- Other coordination meetings with public water systems have been held or will be held in the coming weeks. Update: SDWP has met with all PWS.

PERMIT ACTIVITY: December 16, 2024 – January 10, 2025

PERMIT TYPE	APPLICATIONS*	ISSUANCES**	HOLDS***
Building Permit Clearance	26	14	1
Clearing/Grading Clearance	12	3	1
Occupancy Clearance	45	14	1
Underground Injection Control Permit	2	0	0
H2B Clearance	5	2	0
Well Operating Permit	0	0	0
Well Abandonment Permit	0	0	0
Well Drilling Permit	0	0	0
Test Boring Permit	5	5	0
Application Review Committee Review	4	4	0
Aboveground Storage Tank (AST)	0	0	0
Underground Storage Tank (UST) Permit	0	0	0
Solid Waste Management Permit	0	4	0
Wastewater Collection Permit	1	1	0
TOTALS	100*	47**	3***

*Applications received between December 16, 2024 through January 10, 2024.

**Includes approved permits and clearances granted to applications submitted prior to December 16, 2024.

***Includes permit and clearance holds applied to applications submitted prior to December 16, 2024.



Vice Chairman inquired if an introduction of discussion on procuring a legal counsel was mentioned in meeting with Vice Speaker Ada. Administrator advised they did speak mention that in today's meeting (based on the law that was passed during the last legislature) and he will be looking into it.

Director Castro inquired if the agency will be filling the deputy administrator position. Administrator Lastimoza advised she is taking recommendations to forward to the front office and stated she will be happy to accept any recommendations from the board as well. Director Castro inquired if it will be an in-house hire or are we opening it to the public. Administrator stated she thinks everyone is critical and she doesn't want to stifle any opportunity for anyone who is interested in the deputy position but it will be going from a classified to an unclassified position.

Director Castro asked if the agency needs a deputy. Administrator Lastimoza advised yes we do and stated that the board will see on her performance review (which is on today's agenda) all of the committees, advisory groups and task forces that she is on and sometimes the meetings overlap. Administrator added that when Jesse and Nic were the acting deputy they did a good job in splitting the duties when meetings overlap. Administrator added the agency is also looking to fill the Public Information Officer (PIO) position. Vice Chairman advised the board to send names of candidates, if any.

Director Castro inquired, in regards to enforcement and compliance, how President Trumps order affects the monitoring for PFAS. Administrator Lastimoza advised she is not sure but just knows US EPA is coming out and they have not been told not to come. Director Moore-Linn inquired if US EPA will be taking the samples and taking it back with them as we do not have PFAS testing on island. Administrator advised that is correct and noted that Guam EPA has an MOA with GWA for testing.

Director Castro inquired on status of the new building. Administrator Lastimoza advised we are still negotiating with the potential bidder. Because the potential bidder does not have any experience in building a lab or lab design they inquired if we needed to hire a sub-contractor (lab specialist), in which we responded yes, absolutely as building a lab is more complex. CAPT. DeGrange agreed. Director Moore-Linn asked if it is design-build, or design-bid-build in which Administrator advised its design-bid-build and it will go out for another RFP for construction. Director Hollister also chimed in to inquire if lab people will come in on how to design the lab. Administrator advised as the design starts to develop, US EPA lab personnel are willing to be our consultants. CAPT. DeGrange chimed in stating US EPA has several different routes for technical assistance they can offer and not only will the Region 9 laboratory staff support us in plan review but they also have a group of engineers that assist with looking at the plans. CAPT. DeGrange added there are also other PHS engineers with other territories that has offered to help with the review. Director Hollister asked when we are designing the last to keep in mind not only what we need now but for future hazards that come about. CAPT. DeGrange advised out intention is to make Guam EPA a regional lab to help support other territories but also for service where samples can be sent to us, at cost. Administrator added we have requested for consideration from US EPA if one of the lab experts can come to Guam, under an IPA, during the construction to oversee how things are constructed but noted we have yet to hear a response.



Vice Chairman Carrara inquired on the time situation at the Dededo property. Administrator advised US EPA was on Guam a couple of weeks ago to resume clean-up of the site. Although they were supposed to be here till end of February they got pulled back due to the on-going fires in California. Administrator added they hope to be back in April to continue clean-up. As discussed in prior board meetings US EPA has already spent \$6Million in clean up from last fiscal year and received another \$8Million and has committed to finishing the clean-up. Glenn San Nicolas added they also completed the survey of the property and continue to transport waste soil down to Layon landfill. Administrator also advised we are still doing the market research for the tire shredder.

Vice Chairman Carrara inquired with the permits is there any issues the board needs to be aware of. Administrator advised for the MILCON projects there was an issue with the stamping of the plans from a professional engineer (PE). Administrator stated this issue has been resolved with DOD that they will certify their plans. Director Hollister inquired why DOD is certifying their plans and not Guam EPA. Administrator stated they will certify their design plans stamped/signed by their PE however, Guam EPA will still review the plans.

Vice Chairman asked for status on the vacant positions of the agency. Administrator advised the chief engineer, environmental inspector supervisor and environmental technician position closed on Friday last week. Connie Afilleje advised it takes DOA about 30 to 60 days to review and analyze the applications for qualifications and they will let us know if there is a certification packet. Administrator updated that the agency did hire a biologist however on the day that person was supposed we received call he declines the position. Connie added we are just waiting for another certification packet, with a new list of names, from DOA and we would have to redo the whole process again. Connie stated the names of the individuals we received prior have all declined the position.

Director Moore-Linn clarified that the vacancies are not vacant because we don't have the budget but because it's difficult to fill them. Administrator advised we also look at the budget. Director Castro and Moore-Linn noted the salaries are not comparable to other companies. Administrator stated we have reported in the past that when job fairs come around it is not surprising that some of our own employees have applied because of the pay difference. Administrator stated, in conversation with Senator Ada, she hopes to create a new series. So instead of environmental health specialist it would be environmental protection specialist or if it's an engineer which is across the board for GovGuam you can be an architectural engineer but if we narrowed it down to environmental engineer we can tailor what our qualifications are so that we get people who have more expertise in the environmental field then having an architectural engineer apply at Guam EPA which is not the discipline that we need.

Director Moore-Linn inquired on the process to start or create the new series. Connie Afilleje advised it will be the whole triple A (AAA) process. Administrator advised that would be the right way. Administrator shared that she spoke with Denise Mendiola from GCC this morning and she advised that GCC just got done with an Environment Technician boot camp with 15 graduates on Monday. Administrator hoped they called sooner as we just closed the Environmental Technician position on Friday, January 24th. Administrator advised Ms. Mendiola to speak with DOA to see if they can extend the announcement close date. Vice Chairman Carrara advised overall the agency is plus two in the



end of year from where we first started in terms of people and with the tight job market it's a good thing. Administrator advised the agency is holding steady but updated that all the top manager positions are vacant. CAPT. DeGrange and Administrator Lastimoza both stated we have an aging workforce with most of them in the engineering series.

Director Castro inquired on the study that was performed. Glenn San Nicolas stated he believes it's the Hay study and added they probably looked at similar positions off-island. Mr. SN also stated if they were to use the Hay study and use what is currently on island which is DOD EPS's, public health and private sector we would get the average and start with that. Administrator added that the EPS's in the DOD system are GS11 or GS 12 plus 12.5% locality pay.

• RRF AND ZERO WASTE PROGRAMS

Director Hollister inquired if there was any way the agency can come up with grants for innovation on waste and recalls a feature of high school kids using trash and making small Guam souvenirs.

Director Castro chimed in to advise this is currently being done at the Maker Space located in the CHamorro Village under the Guam Green Growth (G3). Director Hollister inquired on how much trash is used. Director Castro advised it is a small space and they are trying to find a warehouse for storage. Glenn San Nicolas advised they are also trying to encourage that type of activity such as grass roots, home base business for those that want to learn how to do that and they also provide training. Glenn added they use the precious plastics technology to do that. To answer Director Hollister's question, Glenn advised there is a section that is reserved for grants in 10 GCA Chapter 51 but we have yet to entertain that possibility at this time because we are not ready for it. Glenn added it requires a lot of research and there will be people assigned strictly to oversee that operation but with the staff we do have it will be tough. Glenn advised in terms of the Guam Zero Waste Master Plan (ZWMP) it's basically a road map for Guam to follow to enter into a circular economy. In the roadmap it identifies twelve initiatives that we're trying to implement and we have a meeting with the Guam zero waste working group spearheaded by the First Gentleman, Mr. Jeff Cook, along with DPW, BSP and other agencies. Glenn added in that discussion they will probably look at some of the initiatives in the Guam ZWMP from now till 2030 to include mandatory island-wide collection which Senator Sabina Perez is trying to resurrect that bill. We also have the mandatory commercial food waste and organic composting. There are composting facilities on-island that are capable of food waste diversion. Glenn advised that the Hyatt hotel participates in the edible food recovery for people who are hungry and stated we would like to tighten that up and maybe require the three industries that we conducted the white paper on to maybe partner up with a non-profit organization that distributes food to the needy and have the partnership in place as opposed to disposing it in the landfill. Glenn added with public health they have the livestock that they feed with the same edible food and final disposition is if it's not edible for human and animal consumption it will go to a composting facility as opposed to the landfill. Glenn advised landfill waste for organics takes up 27% by volume which means it creates large greenhouse gasses and leachate.

Director Hollister inquired where the compost goes. Glenn used Manhita Farms as an example and stated they offer compost for sale. Glenn stated we need to do outreach to help our recyclers so that their products are used and added we also have a construction demolition debris processing facility



for concrete rubble asphalt and mill. Glenn stated Camp Blaz reported \$3Million cubic yards of green waste composted and used on site for landscape application, bio swells, and treatment for stormwater drainage.

Director Hollister also inquired as to where the Mawar green waste went. Glenn advised it went to Manhita Farms and stated he doesn't know what the contract agreement is between Manhita Farms and FEMA but is trying to find out if the compost is going to be made available to the public.

Director Casto also inquired with Glenn on the composting project was going using the SWIFR grant. Glenn advised its going good and there is a new grant opportunity for additional money and the agency submitted our intent to participate and we are just wanting on more information for that process but we are just going to tack on to the Guahan Sustainable Culture where they are providing composting for households and community gardens.

Chairman Carbullido chimed in and stated relevant to the zero waste programs, the Board and Administrator Lastimoza recently received an email from University of Guam (UOG) requesting for its support for DOI funding. Chairman inquired with Administrator if she has read the document and asked if this is something the agency can get behind. Administrator stated absolutely and that she will look in to it.

NOTICE OF VIOLATIONS – Vice Chairman Carrara inquired if there are any new NOV's.

Director Hollister stated he has noticed in his community that there are clearing activity that was not permitted and/or filling in of ponding basins and asked how the agency going to address the push to create more housing and to keep track of these type of things going on. Administrator Lastimoza advised if they are ponding basins the agency would not have approved that. Administrator advised we have a reporting potential environmental violations on our website and added that anyone can call our main line to report any violation. Administrator advised if it's not a permitted application that comes to the agency for review we would never allow for the backfilling of a ponding basin or clearing of properties without Best Management Practices (BMP's). Administrator also mentioned that a press release has been issued advising the public of the agency's number change from 300-4751 to 588-4751 (main line).

Director Hollister advised in this particular incident, Guam EPA had people down there to check it out and does not see the violation in the list of NOV's. Director Hollister also inquired when the map was created outlining wetland areas. Administrator Lastimoza advised we do have a layer in the GIS on our WALTERS system to give guidance for the staff that are reviewing the permit as to the properties that are being developed. If the property is determined to be wetland the agency would inform the applicant of such restrictions.

Glenn San Nicolas also mirrored the Administrator's comment in regards to having layers in our WALTERS system to include sinkholes, wetlands, well-head protected zones and when permits are submitted to the agency it routes internally to all the programs within Guam EPA. So if something is questionable based on the layers that we have for the construction and the property the agency on the



operations side will provide comments on one letter of the deficiencies they need to resolve. Glenn added often times USGS will come out to do wetland inspections on those sites and stated there are a lot of different enforcement authorities that have oversight on wetlands and Guam EPA is one of those agencies that have eyes on those kinds of development. Glenn also stated in Guam law that states if you fill a wetland you need to create a wetland of equal size. So even if you see a potential wetland being filled, the applicant may have a permit to create another wetland of similar size elsewhere. Director Hollister said he believes it's only if there are four structures involved and stated he talked to public works also so if a developer could get around that by building two and building two later he doesn't think that is right. VC Carrara mentioned he sees that a lot on Route 4a where they put up two houses at a time instead of applying for a sub development plan and everyone is putting up CMU walls which is not going to be good.

Board Secretary, Arlene Acfalle, advised they have not seen any new NOV's come through for the Administrator's review and advised we would need to verify with our inspectors /water division staff to see if a NOV was issued or it could have been a stop work order.

VC Carrara inquired if are any other issues on NOV listing. Ms. Acfalle advised there are no updates on the old NOV's at this time and added that AAG Finney has been working with the water division staff to help close out the NOV's that have been returned to compliance and needs to be closed out administratively. Administrator reminded that board that we only have Ms. Finney one full day out of the week.

Director Castro inquired on numbers provided on the RRF financials. Connie Afleje explained that the numbers represent what has been encumbered and what's expended. Connie added the \$1.5Million is what was encumbered and given to the mayor's council and we track their expenditures as well and the top is Guam EPA's operations. Director Castro inquired if the MCOG has reconciled everything. Connie advised the process in going good and that Ms. JoyJean is working closely with DOA to reconcile FY24. Connie added that they were able to close out FY22 and is working on closing out FY23.

- **ADMINISTRATOR MICHELLE C.R. LASTIMOZA PERFORMANCE EVALUATION**

A copy is available upon request

After board discussion it was recommended on **Section 4, Page 3** of the performance evaluation that:

- 1) **Budget & Management:** Does the Administrator perform budget and management duties at the level of the standards set by the Guam EPA Board of Directors. A motion made by Director Moore-Linn to vote yes on Budget & Management under the Board of Directors review of the Administrator's performance seconded by Director Taitingfong. All voted in favor, zero (0) opposed and motion passes.
- 2) **Agency Programs Administration:** Does the Administrator perform Agency program administration duties at the level of the standards set by the Guam EPA Board of Directors.



Director Castro made a motion to vote yes the Budget & Management section seconded by Director Taitingfong. All voted in favor, zero (0) opposed and motion passes.

- 3) **Policy & Strategic Planning:** Does the Administrator perform policy and strategic planning at the level of the standards set by the Guam EPA Board of Directors. Director Hollister made a motion to approve the policy and strategic planning section seconded by Director Moore-Linn. All voted in favor, zero (0) opposed and motion passes.

Board of Directors reasons for retaining the Administrator

- The administrator has performed at the level of performance standards prescribed by the Board of Directors
- The administrator's accomplishments have met the expectations of the Board of Directors
- The Agency is performing its duties in accordance with 10 GCA § 45102
- The administrator performs other duties that are beneficial to the Agency that outside of the performance standards prescribed by the Board of Directors

Director Castro made a motion to approve all points seconded by Director Moore-Linn. All voted in favor, zero (0) opposed and motion passes.

Section 1B – Guam EPA Board of Directors recommendation to retain the Administrator –
Director Castro made a motion on vote yes to retain the Administrator seconded by Director Taitingfong. All voted in favor, zero (0) opposed and motion passes.

New Meeting Date/Adjournment: Next meeting was set for February 20, 2025 at 4pm. Director Castro made a motion to adjourn the meeting and seconded by Director Hollister. All in favor, zero (0) opposed, and regular meeting adjourned at 5:25pm.


Arlene S. Acfalle
Board Secretary



