



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

**Guam Environmental Protection Agency
Board of Directors' Regular Meeting
Thursday, July 24, 2025**

MINUTES

- I. **Call to Order:** Director Steven Carbullido called the Board of Director's meeting to order from the Guam EPA conference room at 4:05pm. Roll call certified by Acting Board Secretary, Arlene Acfalle, as follows:
- II. **Board Members:**
- | | |
|--------------------------------|---|
| Chairman Steven Carbullido | - Present – In-person |
| Vice Chairman Steven Carrara | - Not present |
| Director Steven Hollister | - Present – In-person |
| Director Fran Castro | - Present – (attending virtually from Ipan) |
| Director Cathleen Moore-Linn | - Present – In-person |
| Director Heather Quitugua, PC. | - Present – In-person |
- *Quorum has been established**
- Guam EPA Staff:** Michelle C.R. Lastimoza, Glenn San Nicolas, Arlene Acfalle, Malia Tom, Connie Afilleje, Margaret Aguilar, and AAG Kristen Finney
- General Public:** CAPT. Brian Bearden, Victoria Drake
- III. **Approval of Agenda:** Director Quitugua made a motion to approve the agenda, seconded by Director Moore-Linn. All voted in favor, zero (0) opposed and motion passes.
- IV. **Approval of June 19, 2025 Meeting Minutes:** Director Quitugua noted that she abstained on the motion to approve the March 20, 2025 minutes. Director Quitugua made a motion to approve the June 19, 2025 minutes subject to that correction, seconded by Director Moore-Linn. All in favor, zero (0) opposed and motion passes.

Chairman Carbullido inquired with Administrator Lastimoza if she would like to discuss the proposed MOA to DPW under the Recycling Revolving Fund (RRF), Item VI. (f) on the agenda. Administrator Lastimoza advised under the current statute it allows for Guam EPA to enter into a Memorandum of Agreement (MOA) with the Mayor's Council of Guam (MCOG) and Department of Public Works (DPW). Administrator updated that the agency was approached by DPW requesting for \$500K from the RRF. Administrator updated that DPW is responsible for removing abandoned or junk vehicles off Guam's public easements (major roadways) and now has a collection of vehicles at their impound lot. Administrator added similar to the MOA with MCOG, DPW would need to provide an Expenditure



Report and Operation Plan to be submitted to Guam EPA's Board of Directors for approval. Administrator advised that DPW is looking over the MOA and will advise when they are ready to present the MOA, Expenditure report and Operation Plan for the board to consider.

Chairman Carbullido advised there will be no action needed during this meeting but by the August meeting the board should have more information in the board packet for action.

Director Moore-Linn advised the \$1.5Million appropriated to the MCOG is for a variety of collection. Administrator advised that is correct but noted the money has not been spent. Director Moore-Linn noted it will be good to work with DPW to help with the removal of the abandoned/junk vehicles off the roadways.

Ms. Connie Afilleje chimed in to provide an explanation as to why MCOG has not spent the \$1.5Mil. Ms. Afilleje advised MCOG is currently waiting on an IFB that they prepared for procurement to have one purchase order (PO) and award it to one vendor to haul all the vehicles. Unlike in the past, PO's were cut for \$25K-\$50K and awarded to all the vendors who are permitted. Ms. Afilleje added the new MCOG Executive Manager, has prepared an IFB and they are still waiting on procurement.

Chairman inquired if there was a cap that can go to DPW based on the law. Administrator advised there is not. Administrator advised the new law also allows Guam EPA to use 20% for administrative costs such as salary for the Recycling Officer and administrative/operational costs. Chairman inquired if MCOG is able to use the \$1.5Mil after September 30th. Ms. Afilleje advised the law states what is not encumbered can be used after September 30th and was implemented for FY24 and FY25. Chairman advised approximately \$2Mill comes into the RRF each year and it's been building over the years. Administrator and Ms. Afilleje added that the funds to MCOG has been legislatively appropriated. Chairman advised the RRF spreadsheet shows it has \$6Mil. Ms. Afilleje advised that is correct and it's accumulative from prior years that was not given to Guam EPA as it was sitting in the revenue account. Ms. Afilleje added at the end of FY24 we were able to load \$6Mil into the RRF which is now in the "mother account" and advised although the money is available, come October 1st Guam EPA would need to look at what DOA has received on the RRF or transferred to the appropriation account. Chairman inquired if the agency and its board can spend more than the \$2Mil (generated amount) in FY25 to possibly give more than \$500K to DPW. Administrator Lastimoza and Ms. Afilleje both stated yes. Director Moore-Linn added that the MOA can be drafted that the amount may be increased for as long as the expenditure receipts are accurate and balanced.

Acting Deputy San Nicolas advised the agency saw the same request with MCOG but resulted in not all funds being spent and having to return it back to the RRF account.

Administrator Lastimoza added that in the last two fiscal years budget laws allowed for the roll over on unused funds.

Director Quitugua inquired how much MCOG has from prior years versus current years. Ms. Afilleje advised MCOG is still reconciling their balances and working with DOA as they are still receiving invoices from prior years that need to be paid.



V. Administrator's Report - Provided by Administrator Michelle C.R. Lastimoza for the period of May 26 to July 22, 2025

ADMINISTRATIVE:

Personnel:

- As of 07/22/2025: **53 FTEs** (Full-Time Equivalent)

DIVISION	PROGRAM	EMPLOYEES
Administration	EXECUTIVE	2
Administrative Services	ADMINISTRATIVE	6
Administration	PERMITTING	2
Air and Land	SOLID WASTE	4
Air and Land	HAZWASTE	3
Air & Land	AIR POLLUTION	2
Air & Land	DSMOA	2
Air and Land	GREEN PARCEL	3
Air and Land	PESTICIDES	3
Air and Land	RECYCLING	1
Water	WATER POLLUTION	3
Water	SAFE DRINKING WATER	4
Water	WATER RESOURCES	2
Water	INSPECTORS	5
EMAS	LABORATORY	3
EMAS	MONITORING AND ANALYTICAL	5
EMAS	SENIOR SCIENCE ADVISOR	1
EMAS	NON-POINT SOURCE	2
TOTAL		53

Recruitment:

DIVISION / PROGRAM	POSITION	#	STATUS
ADMINISTRATION	PUBLIC INFORMATION OFFICER	1	Offer rescinded for non- response from the selected candidate. Awaiting supplemental list from DOA, otherwise this position will be re-announced.
WATER	CHIEF ENGINEER	1	Interview conducted. Awaiting DOA request for USR
WATER	ENVIRONMENTAL TECHNICIAN	1	One of 2 positions recruited. Agency will re-announce for recruitment of this vacancy
WATER	ENGINEER SUPERVISOR	1	Pending announcement
WATER	ENGINEER I	3	Pending announcement
AIR & LAND	ENVIRONMENTAL HEALTH SPECIALIST II	2	Pending announcement



EMAS	ENVIRONMENTAL HEALTH SPECIALIST I	1	Interview conducted. Selection made. This position will be re-announced. The selected candidate recently resigned.
DIVISION / PROGRAM	POSITION	#	STATUS
ADMINISTRATION	PUBLIC INFORMATION OFFICER	1	Interview conducted. Selection made, however no further response from applicant.
WATER	CHIEF ENGINEER	1	Interview conducted. Awaiting DOA request for USR
WATER	ENVIRONMENTAL TECHNICIAN	2	Interview conducted for sole applicant. Selection made. Agency will re-announce for recruitment of other vacancy
WATER	ENGINEER SUPERVISOR	1	Agency received certified listing. Interviews forthcoming
WATER	ENGINEER I	3	Pending announcement
WATER - SAFE DRINKING WATER	ENVIRONMENTAL HEALTH SPECIALIST III	1	Interview conducted. Selection made
AIR & LAND	ENVIRONMENTAL HEALTH SPECIALIST III	1	Interview conducted. Selection made
AIR & LAND	ENVIRONMENTAL HEALTH SPECIALIST II	2	Pending announcement
EMAS	ENVIRONMENTAL HEALTH SPECIALIST I	4	Interview conducted. Selection made

Agency Headquarters:

- **UPDATE:** Negotiations complete – Contract for A&E services signed on April 3, 2025. Contract still at the AG's Office since May 28, 2025.

Director Moore-Linn inquired if there is a deadline on the contract as any delay could derail the process. Director Quitugua stated this seems to be a chronic problem at the AG's office.

AAG Finney advised she does not have additional update and advised they are still waiting on some documents. AAG Finney updated that Guam EPA provided documents to DPW but is unsure if DPW has submitted required documents to the attorney that is reviewing the contract. AAG Finney updated that the Solicitor's Division at the AG's office is understaffed, just like anywhere in the Government.



POLICY:

Bill 132-38 (COR) - **Please refer to Board Discussion and Action**

Bill 141-38 (COR) - **Please refer to Board Discussion and Action**

Bill No. 135-38 (COR) - Joe S. San Agustin, William A. Parkinson, Eulogio Shawn Gumataotao - AN ACT TO AMEND THE CHAMORRO LAND TRUST LEASE AGREEMENT WITH THE GUAM INTERNATIONAL COUNTRY CLUB, INCORPORATED.

- Agency provided testimony, when called upon by Senator Telo Taitague
 - Spoke about potential solar panel contamination, which can stem from various sources, including the manufacturing process, potential leaching of toxic materials, and the environmental impact of end-of-life panel disposal
 - Spoke about how some solar panels contain PFAS, however some manufacturers are looking at alternative PFAS-free solar panels
 - Spoke about disposing solar panels as hazardous waste

Bill 164-38 - Tina Rose Muna Barnes, Joe S. San Agustin, William A. Parkinson- AN ACT TO ADD A NEW ARTICLE 2A TO CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING THE ZONING LAW FOR AFFORDABLE HOUSING

- Agency provided testimony in support of this bill, with these comments:
 - Guam EPA has no objection to allowing zone changes on proposed properties which are sewerred, or which are outside of the aquifer as legally designated by the GPZ. Therefore, in order to protect aquifer quality and prevent the possible loss of portions of the Northern Guam Lens Aquifer (NGLA) as useable and safe sources of drinking water, Guam EPA recommends that zone changes as proposed not be allowed on unsewerred properties within GPZ.
 - On Page 7, Line 15 to 20, the bill states that "(f) Developments located over the Northern Guam Lens Aquifer (NGLA) or within designated water resource protection areas shall be required to connect to an existing municipal sewer system, if accessible. Where municipal sewer infrastructure is not available, the developer shall install advanced nitrogen-reducing on-site wastewater disposal systems approved by the Guam Environmental Protection Agency (GEPA)." Guam EPA believes that this should only be extended to R1 (single family dwellings) that meet the current minimum lot size requirements. Apartment buildings, and housing subdivisions should not be allowed to use nitrogen-reducing on-site wastewater disposal systems within the Ground Water Protection Zone. "§ 612A04. Zoning Conversion. Compliance and Enforcement, (f)" should not conflict with the Guam Water Quality Standards at 22 GAR §5101(c) (1) (B) that requires that "high-density residential development, more than one (1) dwelling per one-half (1/2) acre, should not occur without adequate public sewer service."



Guam Environmental Protection Agency Piti-Cabras SO 2 State Implementation Plan Emission Inventory Technical Support Document completed

- All technical documents have been submitted to US EPA
- Public hearing scheduled for July 30, 2025 at 4pm.

PROGRAMS/PROJECTS/PARTNERSHIPS:

RRF Audit

- OPA auditing the Recycling Revolving Fund (5591001-619-00 / 361962201)
- Ongoing

GHURA Technical Assistance Workshop for Community Development Block Grant Disaster Relief (CDBG-DR)

- A total of \$500,825,000 was appropriated by the U.S. Congress to support recovery efforts from Typhoon Mawar. These funds will be administered by the Guam Housing and Urban Renewal Authority (GHURA)
- Guam EPA was invited to offer a project proposal for consideration which is ongoing
 - Considering a hardened space for a disaster debris transition site on the Dededo site to offer a temporary site, designed to handle and process debris following a disaster. This space will be strategically located and designed to withstand potential hazards, while also providing infrastructure for efficient debris management, including sorting, storage, and potentially recycling or disposal
 - Infrastructure will require space for roads, safety buffers, and potentially burn pits (green waste) or hazardous waste areas. Adequate utility access (power, water) is also crucial
 - Environmental Considerations: Proper management of runoff, dust control, and other environmental impacts is essential. Considering installing oil-water separator for use as a wash station for fleet of cars when not used as a transition site
 - Hazardous Materials: Specific areas will be designated for handling and storing hazardous materials, potentially requiring specialized containers and procedures

Director Hollister requested for clarification on the hardened space. Administrator advised its part of the CDBG-DR grant that was awarded to GHURA and is accepting these proposed projects. Administrator added what has been discussed in the past is if Guam EPA gets a property then the agency should be able to manage a small transition site in the event of a disaster. Director Hollister asked how much property we have in which Administrator advised we have nine acres.

Working Group for Construction on New Hospital (Bi-weekly)

- Guam EPA continues to provide technical support



Marianas Island Conservation Strategy

- Continued engagement with Stephanie Hertz, who serves as the Recovery and Sustainment Partnership (RASP) Coordinator for the Department of Defense (DoD) Natural Resources Program within the Office of the Deputy Assistant Secretary of Defense (Environmental Management and Restoration) Ronald Tickle
- The RASP is a partnership between the DoD and Department of the Interior focused on developing and promoting conservation and recovery initiatives for threatened, endangered, and at-risk species while promoting increased flexibility for military mission activities
- Discussed proactive, innovative and collaborative approaches that enhance implementation of the Endangered Species Act, sustain and enhance the military mission, and achieve greater conservation outcomes for species
- Administrator and CAPT DeGrange (along with Vangie Lujan and Chelsa Muna will travel to Saipan, CNMI for meeting August 13-15, 2025

Meeting with USEPA On-Scene Coordinator (OSC)

- Update on clean-up at the Dededo site
- Guam EPA will pay between \$600K, up to \$1.5M tipping fee to GSWA
 - GSWA will invoice Guam EPA
- USEPA is currently routing an Action Memo Amendment (AMA) through Region 9 EPA in advance of that AMA going to D.C. for approval (or disapproval) to be able to complete the current estimated costs to complete the project
 - They don't know for sure that the AMA will be approved or when
 - Concurrently they've requested the remaining ceiling of the current Action Memo be added to the Emergency Rapid Response Services (ERRS) Task Order in the amount of approximately \$900K. That needs regional administrator approval
- USEPA is asking if Guam EPA could at minimum commit to \$600K to \$1.5M to pay the tipping fees. This would allow USEPA OSC to complete the project sooner by the committing of funds for the tipping fees

Inspection Activity: Week of March 31 – April 11

DIVISION	PROGRAM	TYPE OF INSPECTION	# OF INSPECTIONS
AIR & LAND	DSMOA	Project site	0
AIR & LAND	Green Parcel	Project Site	10
AIR & LAND	HAZWASTE	Aboveground Storage Tanks (AST)	2
AIR & LAND	HAZWASTE	Underground Storage Tanks (UST)	4
AIR & LAND	PESTICIDE	Inspections & Investigation	4
AIR & LAND	SOLID WASTE	Occupancy inspections	15
AIR & LAND	SOLID WASTE	Complaints	24



AIR & LAND	SOLID WASTE	Disposal Plan	13
AIR & LAND	SOLID WASTE	Paper Bag Outreach	52
AIR & LAND	SOLID WASTE	BUILDING PERMITS	7
AIR & LAND	SOLID WASTE	LITTER CITATIONS	5
WATER	INSPECTORS	Ocular, Septic & leaching, FOG inspections, complaints and H2 and occupancy permits	138
WATER	SAFE DRINKING WATER	Sanitary Inspection	1
WATER	SAFE DRINKING WATER	Lead Free Inspections	24
TOTAL	299		

PERMIT ACTIVITY: May 26 to July 27, 2025

PERMIT TYPE	APPLICATIONS*	ISSUANCES**	HOLDS***
Building Permit Clearance	50	43	6
Clearing/Grading Clearance	11	1	1
Occupancy Clearance	40	13	0
Underground Injection Control Permit	8	4	0
H2B Clearance	24	2	0
Well Operating Permit	7	0	0
Well Abandonment Permit	0	0	0
Well Drilling Permit	1	0	0
Test Boring Permit	5	3	0
Application Review Committee Review	2	1	1
Aboveground Storage Tank (AST)	Not on WALTERS	306	0
Underground Storage Tank (UST) Permit	Not on WALTERS	1	0
Solid Waste Management Permit	Not on WALTERS	4	0
Wastewater Collection Permit	Not on WALTERS	0	0
MILCON	11	2	0
Highway Encroachment	5	1	0
Fumigation	Not on WALTERS	0	0



Burial at Sea	3	3	0
TOTALS	167*	384**	7***

*Applications received between May 26 to July 22, 2025.

Includes approved permits and clearances granted to applications submitted prior to May 26, 2025. *Includes permit and clearance holds applied to applications submitted prior to May 26, 2024.

Administrator Lastimoza also mentioned the agency has 15 operational vehicles to answer the inquiry made by Director Hollister in the June board meeting. Director Hollister inquired on how many vehicles are allocated for the inspector's. Administrator advised inspectors have one dedicated vehicle and added that the agency has 15 vehicles in its fleet for all programs.

Acting Deputy San Nicolas advised that the solid waste program has a schedule for inspection days and administrative work days so on the days they are not on inspections other programs can use the vehicle, if needed.

VI. Septic Tanks - Overview, Rules, Regulations – Provided by CAPT. Brian Bearden in the absence of CAPT. Elizabeth DeGrange – **A copy of full PowerPoint presentation available upon request**

Chairman Carbullido prefaced that Guam EPA is undergoing a public hearing for the rules & regulations for these septic tanks and that CAPT. Bearden's presentation is basically what is being presented during the public hearing. The agency will be presenting the proposed rules & regulations to the board for action by our August board meeting.

CAPT. Bearden updated the board members that he drafted these regulations before his departure from Guam EPA early last year. CAPT. DeGrange and the waste water team have worked to try and complete the regulations based on an amendment to 22 GAR Chapter 12 which is Onsite Wastewater Disposal System Regulations which is the implementation of 10 GCA Chapter 48 - Toilet Facilities and Sewer Connection law. The presentation will include the changes to the regulations as well as what is a septic tank and a septic system versus a Type 4 system and a holding tank.

PURPOSE OF AMENDMENTS:

- Implement changes made by PL 37-105 (Changes to 10 GCA Ch. 48)
 - Type 4 nitrogen reducing treatment systems (parental lots, etc.)
 - Holding tanks
 - Permitting systems for the above

CAPT. Bearden advised this was a long-term project for Guam EPA over the last 5yrs to try and come up with a solution to the practice that had been occurring already for the past 30yrs where these smaller parental lots were being permitted with septic tanks and regular septic systems instead of any mitigation. This was a compromise that the agency pushed and was implemented into PL37-105 to try and improve that situation.

- Also: enable implementation of PL38-7 Accessory Dwelling Units (ADU's)
 - Requirement of Type 4 systems for ADUs in the Groundwater Protection Zone (GPZ)



- Modernize & improve Guam EPA regulations
 - Correct numerous deficiencies observed over the last 40yrs.

MAIN FEATURES:

- Full set of Rules on how to permit the Type 4 systems for Parental lots & ADU's
- Provide new flexibilities:
 - Mound systems for difficult soils
 - Holding tanks (in limited circumstances)
 - Option to reduce leaching field size with Type 4 system
 - New setbacks for Type 4 systems and holding tanks
- New protections:
 - Type 4 systems
 - Provide 50% reduction in nitrate loading to aquifer
 - Required within 1,000 feet of production wells (implements wellhead protection area – 22 GAR Ch. 7)
 - Operating Permits
 - Partially self-regulating through mandatory Operation and Maintenance (O&M) contracts
 - Type 4 systems: 2 years
 - Holding tanks: 1 year
 - Percolation tests (site soil assessment) – new required (no longer optional)
 - Lead-proof construction of septic tanks and holding tanks

CAPT. Bearden continued to provide information on the types of septic systems.

- Septic systems
- Type 4 advanced nitrogen-reducing onsite disposal systems
- Holding Tanks (Risks and limitations as proposed)
- Mound systems
- Tank construction and water-tightness
- International Private Sewage Disposal Code (IPSDC)
- Operating Permits (authorized by 10 GCA CH. 48)
- Type 4 & Mound Installers and Operation & Maintenance (O&M) Providers
- Permit Fees
- Cost Savings to new construction
- Environmental Impacts

Director Hollister asked what happens to the Type 4 system if the power goes out. CAPT. Bearden advised if the power goes out the pump system does not work and it basically reverts back to a septic system or septic tank treatment levels but only during that power outage.

Director Hollister also inquired if there will be a problem permitting these systems during the dry season versus wet season. CAPT. Bearden stated it shouldn't make any difference. Director Hollister



stated he thinks if a percolation test is done during the dry season it would absorb quicker versus during the wet season. CAPT. Bearden advised the percolation test method in the regulations requires presoaking the hole for about 24hrs so it would mimic the saturated conditions before the measurements are done. CAPT. added any good quality engineer, installer or soil evaluator doing a full test should be looking out for the high water table which can be easily be seen by the discoloration of the soil.

VII. Board Discussion / Action

a. Testimony, Resolution, Agency Position on Bill 132-38 – Administrator advised this bill is a reiteration of the proposed Bill 28-38 which combined the Environmental Trust Fund (ETF) and the use of the Used Tax as a funding source for the ETF. Bill 28-38 was vetoed so Bill 132-38 is a reiteration which removes the funding source but it does improve on the ETF.

- In §45200 (a), to expand the use of the fund beyond to clean up hazardous materials and restore and repair damage done to Guam's environment, create a reserve fund for emergency response, as well as to collect, transport, process and dispose of household waste in accordance with the provisions of the Ordot Dump Consent Decree Supplemental Environmental Project (SEP) and implement solid waste management activities to curb illegal dumping, and to conduct activities related to improvement, compliance, and enforcement of Safe Drinking Water, water quality, air quality, hazardous waste management, recycling, environmental monitoring and analysis, environmental planning, technical assistance and training.
- In §45201, removed the cap of twenty-five percent (25%) of the funds in the ETF that may be utilized by the Administrator of the Guam Environmental Protection Agency for programs relative to the prevention of environmental problems, and the promotion of keeping a safe and healthy environment.
- In §45202. Authorized Expenditure and Emergency Declaration. Removed the cap of five thousand dollars (\$5,000.00) the Administrator was authorized to spend for the purposes of assessment, cleaning up hazardous materials and restoring and repairing damages done to the Guam environment. Removed the requirement of an emergency declaration by the Governor to use the funds. Authorizes the use of the proposed reserve funds to make emergency procurements, except when the use of the funds is greater than what is in the reserve fund, it will require Board approval prior to the expenditure of those funds.

Administrator added this also requires an annual reporting to the Legislature.

Chairman inquired with the board members if they had any issues with the testimony provided or are they okay with the agency's position on the bill. Director Castro clarified if there is an action that needed to be done as this is an Action item on the agenda. Chairman advised there was a request to see if the board can discuss the bill in its board meeting and provide testimony or comments. Administrator Lastimoza advised that the committee report has not been finalized so the legislature is still accepting testimony or comments.



Director Moore-Linn stated the bill seems to allow more flexibility to Guam EPA which is okay because the agency needs to submit the annual reporting to the legislature and the board. Administrator advised in the past, in the bill on final form, what the agency sees and recommends can be changed while the legislature is in session and this is not set in stone just yet.

Director Quitugua stated she agrees with the removal of the \$5000 cap and added it is important to have provisions that allow Guam EPA to do their job and having that cap is a big impediment especially during an emergency.

Acting Deputy San Nicolas stated what he would like to see is provision in this bill that allows Guam EPA to recoup its cost during a cleanup by means of going after the responsible party. Director Moore-Linn inquired how we would go about doing this without opening up another issue on the proposed bill. Administrator Lastimoza advised part of the discussion is by expanding the use of the funds whether or not it could be used for illegal dumping and often times if we use the funds for illegal dumping sometimes there is no evidence of an alleged violator. Director Moore-Linn stated yes it's a good use of the funds and at the end of the day, it's better for Guam. Administrator added sometimes the illegal dumpsite is so large and depending if we have a sustainable funding source it could eat up all of the budget in just one cleanup. Administrator advised at this point there is a dedicated funding source for the environmental trust fund but maybe not nearly enough to do everything.

Directors Moore-Linn and Quitugua agreed that it's a larger discussion about enforcement. Director Quitugua added when looking at the existing Notice of Violations (NOVs) and looking to recoup costs from the respondent it needs to articulate clearly as to how it would happen and the realm of responsibility and authority to do so.

After discussion the Guam EPA Board of Directors agreed they are in support of the testimony provided by the agency as it follows the policy the board would intend.

Administrator Lastimoza inquired with AAG Finney if she can provide a draft testimony, on any testimonies going forward, to the board before final submission. AAG Finney advised she can but the board members cannot have discussion outside of a board meeting. Administrator asked if the board members can communicate individually with her directly, just not amongst each other. AAG Finney agreed.

The Chairman noted he is waiting for replies on whether the board can pass a motion outlining its position on bills, and then a board subcommittee work together to draft the letter between board meetings, summarizing the board's motion and discussion, to send to the Legislature.

- b. Testimony, Resolution, Agency Position on Bill 141-38 (Bill 141-38 (COR) - Sabina Flores Perez, Chris Barnett, Therese M. Terlaje, Tina Rose Muña Barnes, William A. Parkinson– AN ACT TO ADD A NEW § 51104(h) TO ARTICLE 1, CHAPTER 51, DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, TO REPEAL § 23104(d)(5), AND ADD A NEW § 23104.1 TO ALL OF CHAPTER 23, DIVISION 4, TITLE 22 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO EXPANDING**



LIMITED EXEMPTIONS FROM PERMITTING REQUIREMENTS FOR SMALL-SCALE, ON-SITE COMPOSTING ACTIVITIES.

Administrator Lastimoza advised Guam EPA is supportive of the measure, but has a few concerns about permitting requirements that may be triggered by other divisions within the agency.

Acting Deputy San Nicolas advised some of the exceptions would include community gardens, farms, apartment buildings and businesses to compost without a permit and currently the law requires up to three households does not need permit. Anything more than three household will be required to obtain a permit to compost. This law would allow more composting opportunities for small businesses, farms, schools and community gardens. Acting Deputy stated however, the volumes that they sign may be questionable in terms of leachate generation for businesses that would not normally compost on their property depending on the lot size that may trigger clean water requirements.

Acting Deputy advised Guam Fire Department (GFD) may have some comments in regards to setbacks but stated Guam EPA supports composting for small businesses and small scale composting around the island. This will help with the large amount of diversion from the landfill and help with the food security using compost to garden to grow fruits and vegetables.

Chairman clarified the Agency's testimony is in support is of section one through three, five and six and not section four. Administrator advised one of the things we wanted to emphasize in our testimony is that amending rules and regulations is an executive function. Administrator stated the legislature is in charge of drafting a passing statute and as an executive function Guam EPA should be in charge of developing rules and regulations that support their intent and passage of the bill.

Chairman inquired if Guam EPA is intending to pass rules and regs for section four which is the meat of the bill. Acting Deputy SN stated the agency might need to develop regulations because there are some concerns that may trigger other requirements in terms of permitting that Guam EPA may not have oversight for that would allow other agencies to implement their mandates.

Chairman inquired if there is technical information that needs to be considered aside from the executive and legislative functions for section four. Acting Deputy SN stated there are some areas that need to be asked such as setback requirements along with potential water pollution violations. Chairman inquired if the bill does not pass is Guam EPA ready to draft rules and regs to get the intent of section four passed. Administrator stated yes or to draft rules and regs that would improve it or amend what is not clear. Acting Deputy advised that is something we have to do to encourage more participation in small scale composting and stated the bigger picture is the reduction of greenhouse gasses, leachate generation, and landfill space.

Director Quitugua stated the problem she has with this legislation is it seems to confuse what is legislation and what is regulation and she wouldn't be in favor or section four at all as she doesn't think that is in the legislature's jurisdiction.



After discussion the Guam EPA Board of Directors agreed they are in support of the testimony provided by the agency.

NOTICE OF VIOLATIONS – Chairman Carbullido did a callout for any new NOV's. Acting Deputy San Nicolas advised there was an NOV/OC issued on June 26, 2025 to Frances Hudgens (Respondent). Ms. Hudgens is not contesting the violation but did submit a request for extension, by her nephew, to complete the clean up as she is elderly. Violation is at an apartment complex with accumulation of household waste.

Director Quitugua asked when the older NOV's will, dating back to 2019, be resolved. AAG Finney chimed in to advise there are a lot of NOV's that have returned to compliance and just need to be administratively closed out. Director Quitugua stated she is concerned that these NOV's are lingering and what is the agency doing to resolve them. Administrator Lastimoza updated that part of it is that we did not have legal counsel for one year until a few months ago we got AAG Finney back but only one day a week and noted these are the challenges the agency is facing.

GUAM EPA FEE SCHEDULE – Administrator Lastimoza briefly went over the current fee schedule and to give the board the opportunity to take a closer review. Administrator noted the agency is facing some budget cuts and we need to look at our fees to be able to sustain the agency. Administrator advised for the Solid Waste Management Program (SWMP) Acting Deputy San Nicolas provided an inflation adjustment but that's not to say that the fee, in this case, implemented in 1998 is a true reflection of what the cost should have been.

BUDGET- Director Hollister wanted to hear more about the possible budget cuts in which Administrator Lastimoza advised it is true for FY26 all categorical grants, which is basically our consolidated grant, will be illuminated. Administrator advised the way it works is Guam EPA will still be getting an allotment before Sept 30th which is FY25 funds that is backfilling what we paid in advance. Administrator stated we were told that we will still be getting the \$9million of year four of the EC grant minus the \$600K that we are committing to paying the tipping fees. From whatever categorical grants that will still be paid out is \$1.9Million which will go to our consolidated grant. Administrator stated we usually get \$3.8Million but we will get \$1.9Million of that. Administrator stated according to our Guam Program Manager if it comes to a point where we have to redirect some funds to cover salaries, however it works out he is willing to work to not shut down the agency and also before FY27 if need be the agency will ask for general fund funding. Acting Deputy San Nicolas stated meanwhile we will update our fee schedule as it is long overdue. Administrator added we will still go after the Used Tax.

Director Moore-Linn inquired when the agency would make the decision to renovate its current buildings. Ms. Connie Afleje advised none of these buildings belong to Guam EPA and upgrading them would be of no benefit to the agency. The buildings belong to Guam International Airport Authority (GIAA) and Guam Ancestral Lands Commission (GALC). Administrator Lastimoza and Ms. Afleje added after Typhoon Mawar Guam EPA spent \$250K to repair our laboratory and we've spend a lot of money to keep both buildings operational. Director Moore-Linn inquired if Guam EPA will continue with the A&E because at some point it will be shovel ready. Administrator advised yes and once the contract



is signed the architect has 6months to provide a design and added at that point we would know how much money we have to see if we need to remove some bells and whistles.

New Meeting Date/Adjournment: Next meeting was tentatively set for August 21, 2025 at 4pm. Director Quitugua made a motion to adjourn the meeting and seconded by Director Hollister. All in favor, zero (0) opposed, and regular meeting adjourned at 6:15pm.



Arlene S. Acfalle
Acting Board Secretary



