GUAM ENVIRONMENTAL PROTECTION AGENCY • *AHENSIAN PRUTEKSIÓN LINA'LA' GUÅHAN*
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

35 GL-20-1537
Speaker Tina Rose Muña Barnes

February 12, 2020

FEB 13 2020
Time 1056 (AM) PM
Received By: BRIAN

Honorable Tina Rose Muña-Barnes
Speaker
I Mina'trentai Singko na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: 5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting – January 2020

Hafa Adai Madam Speaker,

Transmitted herewith are the minutes and other required documents from the Guam Environmental Protection Agency (Guam EPA) Board of Directors Regular Meetings for January 2020, in accordance with 5 GCA §8113.1.

Should you have any questions or if the Agency can be of any assistance to you and your office, please feel free to contact the Agency at 300-4751.

2020 FEB 13 AM 11:25

Respectfully,

Arlene S. Acfalle
Guam EPA Board Secretary

cc: Guam EPA Administrator
Guam EPA Board Chair

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Board of Director's Meeting

Thursday, January 16, ~~2019~~ 2020, 4:00 p.m.
Guam EPA Conference Room

SIGN IN SHEET

BOARD MEMBERS:

Robert Perron

Terrence Brooks

Florida Sanchez — Flori Sanchez by

Flori Sanchez present at meeting but forgot to sign in — Arlene

Ann Roth

Steven Carrara

Steven Hollister

Steven Carbullido

Moneka De Oro — Moneka DeOro

Nicolas Pape

Employees and visitors sign in here:

1. Kristan K Finney
2. [illegible]
3. BRIAN BEARDEN
4. Juliana Mendoza
5. Nito BLAS
6. Connie Aflleje
7. NIC LEE
8. Cyrus Luhr
9. Darien Mitchell
10. [illegible]
11.
12.
13.
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15.
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17.
18.
19.
20.
21.
22.
23.
24. JESS T. CRUZ

Guam Environmental Protection Agency

Board of Directors Meeting
Thursday, January 16, 2020 @ 4:00 pm
Main Office Conference Room

AGENDA

I. Call to Order

II. Approval of Agenda

III. Approval of December 12, 2019 Minutes

IV. Administrator's Report

V. Old Business
- Air Force Re Stipulated Request for Continuance – NOV #2019-001
- Active NOV's
  - Tsubaki Hotel/Nippo USA Inc. Update (Water Pollution Control Program)
  - Lin's Hardware update (Safe Drinking Water Program)
  - Su & Zheng Corporation Update (Safe Drinking Water Program)
  - Feiyang Construction & Engineering update (Safe Drinking Water Program)
  - Smithbridge update
  - Piti failed septic system update
  - Contract Watts update
  - Dusit Thani update
  - Sand Castle update
  - Verona update
- RRF Update
- PFAS update
- Septic systems, lot sizes & advanced on-site treatment proposal update
- UST (Underground Storage Tank) Resolution Update
- Safe Drinking Water Statute and Regulations Update

VI. New Business
- None at this time

VII. Miscellaneous

VIII. Next Meeting Date/ Adjournment

Guam Environmental Protection Agency
Board of Director's Meeting
Wednesday, December 12, 2019
Main Office Conference Room

MINUTES

I. **Call to Order**: Chairman Robert Perron called the Board of Director's meeting to order at 4:10 p.m.
The following individuals were present at the board meeting: **Board Members**: Robert Perron-*Chairman*, Florida Sanchez, Ann Roth, Steven Carbullido, Steve Hollister and Steven Carrera **Guam EPA Staff**: Arlene S Acfalle, Don Quinata, Brian Bearden, Mike O'Mallan, Mevany Hecita, Connie Aflleje, Nic Rupley Lee, Sabrina Cruz-Sablan, Glenn San Nicolas, Jesse Cruz and Kristan Finney (GEPA Legal Counsel)

II. **Approval of Agenda**: *Director Roth* made a motion to approve the agenda, seconded by *Director Carrera*. All voted in favor and motion passed.

III. **Approval of Minutes**: *Director Carrera* made a motion to approve the minutes, seconded by *Director Roth.* All voted in favor and motion passed.

IV. **Administrator's Report:** *Deputy Administrator, Michelle Lastimoza, presented Administrators report in his absence.*
***OCTOBER**-* Agency liaison, Nic Rupley Lee, still working with OG, DPHSS and Guam Homeland Security in regards to Dengue Response – Nic also serves as POC for Dengue Outreach and Education held at GDOE, Hilton, Merizo Elementary, FBLG, Simon Sanchez HS, and Carbullido Elementary -Several GEPA employees were detailed to assist Division of Environmental Health in their community outreach for high risk areas specifically where their patients reside -GEPA also met with Global Recycling in regards to augmenting hours of operation to accommodate Dengue clean up relative to Swamp Road clean up activity - Letter of Concern sent to GSWA to accept non-hazardous household waste, and green waste - Agency testified in support of Bill 150-35 (now PL 35-56) relative to Island Wide Beatification Task Force as of November 27, 2019. Administrator named as official IBTG member and along with its functions and duties. – In September Administrator attended Net Zero BRAQ Meeting in California. – In October three (3) Bills were signed into law, (1) Bill 198-35 (now PL 35-37) which approves the RRF Rules and Regs (2) Bill 165-35, requirement for Radon Testing results upon residential Real Estate Transactions, to become effective January 2020, and (3) Bill 185-35 became law, Green Purchasing where GovGuam entities seek to purchase non-energy star compliant products. Must seek approval from agency Administrator. –Mr. Brian Moyer, Founder for Agent Orange Survivors came out and was able to accompany USEPA's toxicologist to grab soil samples off base, he was also able to tour Navy Base Guam with Captain Turner (no sampling done at this time). A press release was issued following the soil sampling and results will be available in January 2020. – During this time Mr. Harry Allen from USEPA was also here

and did a waste characterization at the property near old Dededo transfer station, which is tentatively our new site for our new GEPA Building. Per Deputy Lastimoza we are hoping to use it as a Brownfield Project and we will be applying for a grant. Mr. Allen also assisted our EMAS Division in assessing the Abandon Diralect Vessels at the Harbor Refuge. – Pesticide Enforcement Program suspended sales and operations of those business who were selling unregistered repellents/ pesticide products during active part of Dengue outbreak. –96 expired GWA operating well permits were processed and now up to date. –Pesticide Program also assisted with Notice of Arrival of importation of 5000 DEET slow release lotions and 5000 vasiguard mosquito nets that were given to DPHSS from CDC – Agency presented an Layon Landfill Status hearing -- Finalized AAFB Drinking Water NOV. Final administrative penalty order was sent on November 18th in the amount of $87,700. The Tsubaki Hotel NOV administrative penalty was also satisfied. --USEPA renewed commitment for new agency building construction. –Water quality certificates issued to GPA for Cabras --Agency participated in the Marianas Island Area Contingency Plan meeting, -- Participated in the CMCC working group --Met with Army Corps of Engineers re: Lonfit Drums Removal and discussed Area 101 in Yigo. – Provided training with Guam Customs & Quarantine on Pesticide 101 and Lead Ban Act for new recruits –Action Items for Diralect Vessels removal at Harbor Refuge, Port Authority and Wharf F6 and submerged land at Cabras Power Plant. ***NOVEMBER*** was also busy starting with SWMP reconciled PO's & Invoices to close out FY2019 RRF appropriation –Provided DPHSS scope of work for pesticide application at FBLG, Simon Sanchez and Nevermind Rd. –Agency participated in Guam Recycles day as part of America Recycles day with Proclamation signing –participated in public meeting at Merizo for Cocos Lagoon and PCB contaminations --Completed Final revisions to draft Safe Drinking Water Regulation. – Agency also welcomes new Deputy Administrator, Michelle Lastimoza effective November 25th –Agency presented Legislatures Information brief of Military Build Up. –Provided support to JIC for Tropical Storm Kamuri and post assessments after storm. – Met with Speaker Tina Muna Barnes to discuss ways of implementing VCA 2010 – Agency received full certification for drinking water micro biology and chemistry –EMAS conducted investigation, sampling analysis into discharge found at Dusit Thani ***DECEMBER***– Agency met with Mr. Carnig Ohanasihan, Deputy Secretary of the Navy for Environment and Doug Domenech, Asst. Secretary of Insular and Internal Affair for US Dept. of Interior. Agency working closely with DOD to address the permit process for MILCON projects, to identify and discuss steps and regulation regarding a no discharge zone on Guam as a protective measure against invasive marine species, support of Agent Orange Investigation and ADV removals. Also discussed DOD activity and PFAS clean up and litigation. Attended a briefing and site visit with NavFac and Mongmong-Toto-Maite (MTM) Mayor Rudy Paco for additional fish sampling as access PCB contamination in Agana Swamp. We had a post consent decree status hearing but was postponed to January 15, 2020. A joint filing report will be filed on January 8th providing timeline to fully end the receivership relative to the Ordot Dump post closure care plan – Conference call w/ DOJ, GVB, USEPA-Region 9 and Guam EPA, Agency provided oral and written testimony regarding Bill 247-35, Agency met with new Army Corp Engineer Chief of Regulatory branch regarding pending projects under outgoing Army Corp. Chief, Met with Mayor's Council of Guam Director to reconcile pending purchase order, invoices and question cost from the FY19 RRF appropriation, Permitting team attended meeting at One-Stop to make building process more efficient, Agency also participated in Mongmong Toto site visit, briefing with MTM Mayor and NavFac Pac. We also observed NavFac Pac sampling for fish in the Hagatna Swamp.

Carbullido inquires about funding allocation per PO (collection, white goods, green waste, abandoned vehicle etc.) A reminder about the process is stated in the MOU. *Board Chairman* disclosed that his company has done some work for the Mayor's Council for scrap tires. He was advised to recuse himself from the discussions and voting in regards to RRF.

- PFAS Activities Update: Michelle advised
- Septic system, lot sizes & advanced on-site treatment proposal update – No update at this time. We are waiting on the AG's office
- UST (Underground Storage Tank) Resolution and Presentation- Kristan advised amendments were made to be in line with federal regulations. They basically restructured and update UST Rules & Regs. Motion to approve UST Regulation/Board Resolution was made by Director Carrera, seconded by Director Sanchez. All voted in favor and motion passed.

VI. New Business

- Approval of Rules and Regulations for participation in Board Meeting by video conference – This is already enacted into law. We are basically looking for approval from the Board so we may implement this procedure. We will work with GEPA PIO to figure out the logistics in regards to how to have this process done. Motion to approve by Director Roth and seconded by Director Carrera. There was a 5 ayes (Directors' Roth, Carrera, Sanchez, Carbullido and Board Chairman Perron) and 1 nay (Director Hollister).
- Safe Drinking Water Statute and Regulations – Per Brian the Drinking Water regulation is the oldest "environmental" law. This is actually a Public Health concern. To get primacy we need to update our statute and adopt all the up-to-date rules so we can be up to par with the federal government. We will be adding the Lead Ban Act, with some revisions, into regulation along with changes to our fees schedule. Board Chairman requested we move to old business and vote on it during our next regular scheduled board meeting. He would like to take more time to read through Rules and Regs. **A copy of the presentation available upon request**
- Confirmation of the Deputy Administrator, Michelle Lastimoza – Motion to approve made by Director Roth and seconded by Director Carrera. All voted in favor and motion passed.

VII. Miscellaneous:

Kristan mentioned we are waiting on the AG's office to prepare some type of training for the Board of Directors.

VIII. New Meeting Date/ Adjournment:

Next meeting set for January 16, 2020 at 4pm. *Director Roth* made motion to adjourn meeting and seconded by *Director Carrera.* All voted in favor and meeting adjourned at 5:55pm.

Arlene S Acfalle

V. **Old Business:**

- ***Air Force Re: Stipulated Request for Continuance – NOV #2019-001 –*** Per Kristan and Brian they have not paid yet but they will be paying penalty of $87K

Active NOV's

- Tsubaki Hotel/Nippo USA Inc. - Water Pollution Control Program – *Per Brian $45K was paid which will all be going in to Water program*
- Lin's Hardware - Safe Drinking Water Program – Lead Ban Act – No update at this time.
- Su & Zheng Corporation - Safe Drinking Water Program – No update at this time. All items off the shelf.
- Feiyang Construction & Engineering - Safe Drinking Water Program – No update at this time
- Smithbridge –Letter submitted for Administrator's signature.

New NOV's

- Piti failed septic system- Residence converted into multiple residences for Section 8 housing. This has been placed on website.
- Contract Watts – (Sited in November) Large military utilities project along Polaris Point to Marine Corp Dr. Agency has proposed fine but has not figured out amount is. Contract Watts contacted us about a week ago for final inspection of their erosion control. All work done thus far was done without erosion control. NOV has been issued.
- Dusit Thani – Complaints submitted of foul smell and videos sent. Water division staff went out and could not find anything initially. EMAS staff went out after typhoon, took samples and found *E. COLI* and *enterococci* in the water that was discharged from building and was tracked back to a specific pipe which turned out to be a roof drain. NOV was issued for the pollution of the water and water quality standard. Northern and Central Land Use plan was used to properly issue this NOV.
- Sandcastle – Pumping out flood water from their parking lot to the sidewalk. Phone call received from Mr. Baldyga regarding situation. Although not happy with the situation, they are willing to comply. They have a plan to rectify the situation and this will be provided to us in writing. Mr. Baldyga may sign a Notice of Intent to Appeal but for the most part he is willing to work with us to rectify issue.
- Director Roth inquiring on Verona NOV- Glenn SN, SWMP Manager advised, Mr. Donald Su is still off-island and has not returned since the inspection was done. Glenn advised when they went there to issue NOV no one was there and we have no other address on file. Chairman suggest Notice by Publication on the paper. SWMP considering sending letter via "Return Mail" that way we have record showing we attempted to send NOV
- RRF Approval Process status – Update by Sabrina-RRF approved in October 2019. We are working with Mayors Council to reconcile invoices and receipts. There are a lot of discrepancies for lack of supporting documents and also how the PO was paid. A meeting was held with Mayors Council in regards to the discrepancies. *Director*