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

35GL-20-1618
Speaker Tina Rose Muña Barnes

March 3, 2020

MAR 04 2020
Time 10:25 (✓)AM ( )PM
Received By:

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

2020 MAR -4 PM 3:09

RE: ***5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting*** **– February 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 February 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.

Respectfully,

Arlene S. Acfalle
Guam EPA Board Secretary

cc: **Guam EPA Administrator**
Guam EPA Board Chair

1618

Board of Director's Meeting

Thursday, February 27, 2020, 4:00 p.m.

Guam EPA Conference Room

SIGN IN SHEET

BOARD MEMBERS:

Robert Perron _____

Florida Sanchez _____

Ann Roth _____

Steven Carrera _____

Steven Hollister _____

Moneka De Oro _____

Steven Carbullido _____

Nicolas Pape _____

Nonito Blas _____

Regular Board Meeting
February 27, 2020

Employees and visitors sign in here:

1. _____
2. DAVID SIMADA
3. Ray Benavente
4. Jesse Bamba
5. Connie B. Affleje
6. Roland Quitugua
7. Betwin Alokas
8. Jabnieel Sablan
9. Roland Gutierrez
10. V J Pereira
11. Mike O'Mallan
12. Nic Pupley Lee
13. Anchita Taitano
14. _____
15. _____
16. _____
17. _____
18. _____

Guam Environmental Protection Agency

Board of Directors Meeting
Thursday, February 27, 2020 @ 4:00 pm
Main Office Conference Room

AGENDA

I. Call to Order

II. Approval of Agenda

III. Approval of January 16, 2020 Minutes

IV. Administrator's Report

V. Old Business
- ➢ Active NOV's
  - 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 & Old Royal Palm Garage update
- RRF Update
- PFAS update
- Septic systems, lot sizes & advanced on-site treatment proposal update
- UST (Underground Storage Tank) Update
- Safe Drinking Water Statute and Regulations Update

VI. New Business
- ➢ GWA NOVs for underground storage tanks (UST) at sewer pump stations at New Chaot, Chaligan, Ga'an, Leyang and Commercial Port
- ➢ Settlement Agreement with UOG for NOV UST 18-00

VII. Miscellaneous

VIII. Next Meeting Date/ Adjournment

Doc. No. 35GL-20-1618.

Guam Environmental Protection Agency
Board of Director's Meeting
Wednesday, January 16, 2020
Main Office Conference Room

MINUTES

I. **Call to Order**: Chairman Robert Perron called the Board of Director's meeting to order at 4:07p.m. The following individuals were present at the board meeting: **Board Members**: Robert Perron-*Chairman*, Florida Sanchez, Steven Carbullido, Moneka De Oro, Nicolas Pape, Steve Hollister and Steven Carrera **Guam EPA Staff**: Arlene S Acfalle, Brian Bearden, Juliana Mendoza, Connie Aflleje, Nic Rupley Lee, Derien Mitchell, Sabrina Cruz-Sablan, Jesse Cruz and Kristan Finney (GEPA Legal Counsel) **General Public:** Cyrus Luhr and Nonito Blas

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

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

IV. **Administrator's Report:** *Presented by Administrator and Deputy Administrator, simultaneously.* Introduction of new employee Derien Mitchell. He is Environmental Specialist II with our SWMP Division. Transferred from DPHSS for 11years.
December Summary • Acting administrator met with DRT Director to discuss DPW One Stop Permit Center Operations (rebranded) • Chief Engineer met with Mark Baldyga to discuss compliance measure for Sand Castle Guam • Meet with GWA on the Guam Stormwater Recommended BMPs Technical Report and their capability to conduct source assessments • SWMP performed illegal dumping investigation at Sen. San Agustin's Chln Ramirez Cleanup project in Yigo – Glenn reached out to DRT to retrieve contact information for 7 names identified in the waste • HWMP transmitted proposed rules and regulations for USTs to the AG's Office for review as part of administrative adjudication – official review began on December 30. • Orote Landfill sampling event observed • HWMP responded to a complaint filed against Kindo Electric for the improper storage/disposal of fluorescent lamps in an abandoned bus • Phase I (sampling) for the Tumon Bay Total Maximum Daily Load (TMDL) funded by US EPA undergoing a RFQ Q&A process. Agency assisted R9 in providing answers to vendor questions • Participated in partner meeting to discuss prospects for "Priority Watershed Recommendation to Coral Reef Task Force for Guam. • Agency in receipt of final November 2018 Agent Orange Sampling Event – currently in review. *Administrator along with Jesse* advised of facts regarding Agent Orange as a tactical herbicide. • Submitted Program Activity Levels Report to USEPA for Brownfields Grant Funding for $245K • Administrator met with AG's office to discuss timeline for full termination of Consent Decree and Post Closure Care for Ordot Dump

• Review of Bill 168-35, relative to radon testing in day care facilities – comments provided to Sen. Perez • Final report for November 2018 Agent Orange sampling issued to media, Senator's Sabina Perez and Therese Terlaje • Administrator met with DPW director, deputy and chief engineer to discuss: GWA sewer line plan for Piti resident tied to storm water system, Municipal Separate Storm Sewer System (MS4) project for Guam, Asphalt specs for tertiary roads so that crushed glass can be considered , Possible NOV for Simpson property in Santa Rita and transferring old Dededo transfer station property from DPW Guam EPA which is proposed site for our new building. *Administrator* advised there were two assessments done on property site. One from the receiver's contractor and the other by USEPA, upon our request, which shows there are levels of PCB as well as lead. Wheels are turning, meeting set with Land Management, DPW and Senator Perez. We want to reuse contaminated property, treat it right with removal action and make it our home advised the Administrator • Small vessel grounding inspected off of Marianas Yacht Club • Agency (drafted by Nic) provided a FAQ for Guam Business License and Permit Center • Agency received Used Oil Task Force Preliminary Report for review •Conference call with USEPA Region IX RE: Bio solids composting, MS4 project, PFAS Updates, De-listing Ordot Dump from National Priority List and Pesticides Regulations update to mirror CFR. *The Administrator along with Chie Takase, GP-DSMOA staff, attended the National Brownsfield Conference. Administrator gave updates from conference in regards to MS4 project. Jesse also working with USEPA out of Hawaii in regards to No Discharge Zone for Guam. Jesse advised the No Discharge Zone would stop gray water from larger vessels from dumping their waste in our waters, mainly off of Apra Harbor and they would actually have to dump their waste 3miles out or connect to a pump station and also it regards to no discharge of ballast water due to new stoney coral disease. Discussions on receivership, bio-solids, PFOA/PFOS, and super funds. Federal Agents will be here in March to meet with local agents to discuss emergency response, loaner program to use emergency equipment on Guam with proper training. Inquiries on types of equipment and storage space was also addressed. Administrator also advised of a program in regards to high levels of lead in kids. USEPA is able to come in and do removal action for as long as it is not lead paint.

January Summary – through Jan 15 • Agency administrator played Santa Clause at Government House – Jan 7 • Agency provided assistance to Comms and DRT for media tour of the Guam Business License and Permit Center – Media launch took place Jan 13 • Administrator met with UOG's Dr. Gofigan to discuss self-governance – Jan 8 • Met with Sen. Lee office regarding the outreach and implementation of the "Choose to Reuse: *"Mungnga Ma Ayek I Plastek"* Act of 2018." – Jan 8. Clarification by *Director De Oro* that it is plastic bag and not plastic bottles. *Director Pape* also added that the issue is what is a non-reusable plastic bag • Agency meeting to plan for a March Emergency Response Hazardous Material training – Jan 7 • Drafting MOU with PAG and GPA for Abandoned Derelict Vessel removal in waters and submerged lands • Filed FY19 FOIA Annual Report with AGO – Jan 10 • Submitted a draft of Agency key accomplishments in 2019 and goals outlook for 2020 – Jan 10 • Conference call held with Region IX – Jan 10 • Water Pollution Control Program drafting NOV for Buenavista Subdivision for illegal clearing and grading • Met with DPW and GVB for stormwater systems outreach – strategize on how we inform the community on the dangers of mismanaging green waste by allowing it to flow into, and clog storm drains • Corresponded with BSP on their coastal sign project. Agency to assist in providing existing sign components to their project. **Administrator* added Carl Goldstein and John McCarroll will be here to do end of the year review and a tour of Camp Blaz will also be done.

V. **Old Business**:

- ***Air Force Re: Stipulated Request for Continuance – NOV #2019-001 –*** *Juliana Mendoza* updated Joint Region Marianas has transferred the money (penalty fee) to NavFac of $83,700 and we should be receiving this anytime. This NOV will be removed from old business once we receive funds. *Director De Oro* inquired what we do with fines and penalties that are collected. *Administrator* advised it goes into our special funds account. *Kristan* clarified that there are statutes in place on how the funds can be spent.

Active NOV's (updates)

- Tsubaki Hotel/Nippo USA Inc. - Water Pollution Control Program – $45K settlement agreement was collected a few months ago. *Per Brian this is completed and should be removed from agenda*
- Lin's Hardware, Su & Zheng Corp and Feiyang Construction & Engineering - Safe Drinking Water Program – Lead Ban Act – *Brian* -Order will be issued in regards of what to do.
- Smithbridge – *Brian* – Letter submitted for Administrator's signature.
- Piti failed septic system- *Brian* updated this was the residence converted into multiple residences for Section 8 housing. Agency does not regulate living conditions, just wastewater complaint. This is currently under surveillance by Water Division.
- Contract Watts – (Sited in November) NOV has been issued. Letter of concern issued to contractor. Water Division is going to pursue $125K fine.
- Dusit Thani – Northern and Central Land Use plan was used to properly issue this NOV. Discharge caused by their emergency roof top pipe which was draining to the beach causing the erosion. Agency will be asking for their erosion control plan
- Sandcastle – *Brian* – Sited for pumping out flood water from their parking lot to the sidewalk. Mr. Baldyga is in discussions with DPW to inquire if he can pump into the current storm drain system. Administrator also included that this same issue is happening at the Matapang Beach area. *Director De Oro* asked if there was a rainwater catchment system. Per *Administrator & Brian* there is none in place.
- Verona- *Administrator* reiterated issue with homeless individuals staying on property. Per *Administrator* we need to work on final close out. Not sure if NOV was issued. Glenn, SWMP Manager was not available for update.
- RRF Approval Process status – *Sabrina* reiterated status from last board meeting in December. We are still in the process on resolving the reconcilement issue. We are working with the recyclers to obtain invoices. Mr. Angel Sablan from the MCOG is going to the media stating we are going to give MCOG $1.3million, which was never committed and is not official. Per *Administrator*, in regards to the MOU that was signed, GEPA must certify all expenditures. Our position still stands, and until all these issues are rectified, we are not going to release any more funds at this time.

- PFAS Activities Update: Administrator asked Nic/Cyrus what we are doing with this issue. Brian stated he spoke with Senator Sabina Perez in regards to Safe Drinking Water Rules. Senator Perez will not move forward on bill if we amend our Safe Drinking Water Rules & Regulations.
- Septic system, lot sizes & advanced on-site treatment proposal update – No update at this time per Kristan. We are still waiting on the AG' office.
- UST (Underground Storage Tank) Resolution & Presentation- Kristan updated that the Board has already accepted the Rules & Regulations and this was sent to OAG for review. Kristan advised Board Secretary to change from UST Resolution & Presentation to UST Update on next agenda.
- Safe Drinking Water Statute and Regulation Update- Brian recapped that the Draft Statue which was provided to the Board. Recent conversations with Senator Perez indicated that she wanted Board approval before she moves forward with it legislatively and not the Triple A (AAA) process. Although the Draft was submitted to the Board already, Brian advised of a change that just came out regarding a "Boil Water Notice", which in often times is needed after a natural disaster, a big disruption of service or *E-Coli.* The Senator would also like to delete sections on Exceptions and Variances with Board Approval. Consultation with Region 9 indicated there was not much use for this in R9 as a whole. Kristan added the Rules and Regs process will be legislatively because if the SDW Act gets amended and the Rules and Regs are not updated at the same time, there will be a gap most especially in regards to the Lead Band Act. *Director Carrera* made a motion to accept the new package with the change in 53119 and to remove the section on "Exceptions and Variances", seconded by *Director Sanchez.*

VI. **New Business** – None at this time

VII. **Miscellaneous** – *Brian* advised the Board of Directors of the 5th Annual Assembly of Planners Symposium to be held on Thursday, February 20, 2020, 8am – 8pm at the Dusit Thani Guam Resort. Board Secretary will email flyer to Board of Directors.

VIII. **New Meeting Date/ Adjournment**: Next meeting set for February 27, 2020 at 4pm. *Director Carrera* made motion to adjourn meeting and seconded by *Director De Oro.* All voted in favor and meeting adjourned at 5:51pm.

Arlene S Acfalle

GUAM ENVIRONMENTAL PROTECTION AGENCY

BOARD OF DIRECTORS MEETING

February 27, 2020, 2020

ADMINISTRATOR'S REPORT

I. FISCAL YEAR 2019 FINANCIAL REPORT (as of 02/27/2020)

GUAM EPA REVENUES:

A.	Federal Grant Funds -	$1,485,545.16
B.	Special Funds (Budget Law Allotted)	$1,090,568.83

TOTAL GUAM EPA REVENUES: $2,576,113.99

GUAM EPA OPERATING EXPENSES & O/S ENCUMBRANCES (as of 02/27/2020):

C.	Federal Grant Funds -	$1,198,197.38
D.	Special Funds (Budget Law) -	$662,442.21

TOTAL GUAM EPA EXPENDITURES & ENCUMBRANCES: $1,860,639.59

GUAM EPA BALANCE/(DEFICIT):

E.	Federal Grant Funds -	$287,347.78
F.	Special Funds (Budget Law) -	$428,126.62

TOTAL GUAM EPA BALANCE/(DEFICIT): $715,474.40

TOTAL GUAM EPA FEDERAL GRANT REIMBURSEMENTS

Total Payment Requests for Reimbursement –	$1,090,877.89
Pending Approval of Reimbursements -	**$ 107,319.49**

GUAM ENVIRONMENTAL PROTECTION AGENCY

BOARD OF DIRECTORS MEETING

February '

ADMINISTRATOR'S REPORT

II. RECYCLING REVOLVING FUND ACCOUNT (as of 02/27/2020)

REVENUES

Recycling Revolving Funds - $ 2,828,397

GUAM EPA OPERATING EXPENSES & O/S ENCUMBRANCES FOR THE RECYCLING FUND (as of 02/27/2020):

A.	Personnel -	$22,474.92
B.	Contractual -	$400,000.00
C.	Equipment, Materials, Supplies, Utilities, etc -	$0.00
D.	Travel -	$0.00

TOTAL GUAM EPA EXPENDITURES & ENCUMBRANCES: $422,474.92

TOTAL GUAM EPA BALANCE/(DEFICIT): $2,405,922.08

ACTIVE NOTICE OF VIOLATIONS

HAZWASTE MANAGEMENT PROGRAM (HWMP)

1. Settlement Agreement with University of Guam – NOV/OC/APO UST 18-001 in the amount of twelve thousand four hundred and eighty dollars ($12,480.00) for UST Violations. The Program sent email to Mr. Sean Leon Guerrero, UOG on March 28, 2019, requesting the University submit proposal for Community Training and/or Awareness Project in lieu of APO penalty.
2. Issuance of five (5) NOV/OC to the General Manager of GWA. Attached are the five NOV/OC that was hand delivered to GWA.

- GWA – NOTICE OF VIOLATION, ORDER OF COMPLIANCE AND ADMINISTRATIVE PENALTY ORDER UST20-005, GWA CHALIGAN/ TELEFAC SEWER PUMP STATION, AGAT
- GWA – NOTIVE OF VIOLATION, ORDER OF COMPLIANCE AND ADMINISTRATIVE PENALTY ORDER UST20-002, GWA NEW CHAOT SEWER PUMP STATION, SINAJANA
- GWA- NOTIVE OF VIOLATION, ORDER OF COMPLIANCE AND ADMINISTRATIVE PENALTY ORDER UST20-001, GWA AGAT GA'AN NEW SEWER PUMP STATION, AGAT
- GWA- NOTIVE OF VIOLATION, ORDER OF COMPLIANCE AND ADMINISTRATIVE PENALTY ORDER UST20-003, GWA LEYANG SOUTH BARRIGADA SEWER PUMP STATION, BARRIGADA
- GWA- NOTIVE OF VIOLATION, ORDER OF COMPLIANCE AND ADMINISTRATIVE PENALTY ORDER UST20-004, GWA COMMERCIAL PORT SEWER PUMP STATION, PITI

SOLID WASTE MANAGEMENT PROGRAM (SWMP)

- 19-003, Verona Resort & Spa
- 19-005, Old Royal Palm Parking Garage

WATER DIVISION

All NOV's are listed in the agenda, under old business

- Lin's Hardware (Safe Drinking Water Program)
- Su & Zheng Corporation (Safe Drinking Water Program)
- Feiyang Construction & Engineering update (Safe Drinking Water Program)
- Smithbridge
- Piti failed septic system
- Contract Watts
- Dusit Thani
- Sand Castle