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Messages and Communications

1 message

Speaker's Office <speaker@guamlegislature.org> Wed, Oct 28, 2020 at 5:16 PM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

10/28/20	4:24 PM	10/28/20	Reporting Requirements for Board of Directors Regular Meetings from January 2020 to September 2020.	Guam Environmental Protection Agency	35GL-20-2359
10/28/20	4:24 PM	08/12/20	Board of Directors Regular Meeting for July 2020.	Guam Environmental Protection Agency	35GL-20-2360
10/28/20	4:24 PM	10/01/20	Board of Directors Regular Meeting for August 2020.	Guam Environmental Protection Agency	35GL-20-2361
10/28/20	4:24 PM	10/28/20	Board of Directors Regular Meeting for September 2020.	Guam Environmental Protection Agency	35GL-20-2362
10/28/20	4:24 PM	10/28/20	Board of Directors Regular Meeting for October 2020.	Guam Environmental Protection Agency	35GL-20-2363

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

5 attachments

- **GEPA-Rep. Req. for BOD Reg. Mtgs.from 01-2020 to 09-2020.pdf** 847K
- **GEPA-BOD Reg. Mtg. for July 2020.pdf** 3078K
- **GEPA-BOD Reg. Mtg. for August 2020.pdf** 2358K
- **GEPA_BOD Reg. Mtg. for September 2020.pdf** 5404K
- **GEPA-BOD Reg. Mtg. for October 2020.pdf** 2961K

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

October 28, 2020

35GL-20-2361
Speaker Tina Rose Muña Barnes

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

OCT 28 2020
Time 4:24 ( )AM (✓)PM
Received By:

RE: 5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting – August 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 December 2019, 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

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Guam EPA Board of Directors regular meeting agenda

Thursday, August 13, 2020 – 4:00 p.m.
Location: Google Meet: meet.google.com/prj-rgby-wui

Pursuant to Executive Order 2020-07 Item 4, meeting announcement published on:
oagguam.org/govguam-meetings/

Meeting will live stream on youtube.com/guamepa and facebook.com/guamepa

I. Call to Order

II. Approval of Agenda

III. Approval of July 16, 2020 Meeting Minutes

IV. Administrator's Report

V. Old Business
- Active NOV's
  - Safe Drinking Water NOV's update (Lin's Hardware, Su & Zheng Corp and Feiyang Construction & Engineering)
  - Smithbridge update
  - Piti failed septic system update
  - Contract Watts update
  - Dusit Thani update
  - Sand Castle update
  - Verona & Old Royal Palm Garage update
  - GWA NOVs (UST) update
  - Settlement Agreement with UOG (NOV UST 18-00) update
- Underground Storage Tank Rules and Regulations Update
- Plastic Bag Initiative update
- Code of Conduct or Ethics training for Board of Directors update

VI. New Business
- Amendments to Chapter 45 to allow the Board of Directors of Guam EPA to establish fees for the agency

VII. Next Meeting Date & Adjournment

Doc. No. 35GL-20-2361.*

AHENSIAN PRUTEKSION LINA'LA GUÅHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

Guam Environmental Protection Agency
Virtual Board of Director's Meeting
Thursday, July 16, 2020
Main Office Conference Room

MINUTES

I. **Call to Order**: Chairman Robert Perron called the Board of Director's meeting to order at 4:15 p.m.
The following individuals were present during the virtual board meeting via Google meet **Board Members**: Robert Perron-*Chairman*, Florida Sanchez, Ann Roth, Steven Hollister, Nicholas Pape, Steven Carbullido, Steve Carrera and Nonito Blas **Guam EPA Staff**: Walter S. Leon Guerrero-*Administrator*, Arlene S Acfalle, Nic Lee, Jesse Cruz, Sabrina Sablan, Kristan Finney, Connie Aflleje, Conchita Taitano, Brian Bearden, Betwin Alokoa, Maria Duenas, Michael O'Mallan

II. **Approval of Agenda**: *Chairman* asked if we are going to discuss the Notice of Appeal for the Pesticide Stop Sale Order. Kristan advised that is up to the Board. Kristan inquired if the Board has received a copy of the Stop Sale Order or the Notice of Appeal. *Board of Directors* advised they have not been given a copy. Kristan advised they should have been given a copy when it was given to our Agency. *Board Secretary* advised the Notice of Appeal was not given to the Board at this time. The Notice of Appeal was submitted directly to the Pesticide division, said Arlene. She also advised that the agency reached out to the OAG requesting for a hearing officer. The request has been received by the OAG's office and we are waiting for the General Assignment. *Chairman* advised we should include it on the agenda under New Business so the agency can update the Board on the situation. *Director Roth* also agreed to have Notice of Appeal placed under New Business.
Director Roth made a motion to approve the agenda, to include the Notice of Appeal to New Business, seconded by *Director Pape*. All voted in favor, zero (0) opposed and motion passed.

III. **Approval of Minutes**: *Director Roth* made a motion to approve the minutes, seconded by *Director Carbullido.* All voted in favor, zero (0) opposed and motion passed.

IV. **Administrator's Report:** (few minutes of technical difficulty) *Administrator* sends well regards to Board. Administrator provided update on the following.

- Plastic Bag Ban. SWMP and Air and Land Administrator attended meeting with Senator Lee's office. The proposal looks like they are looking to remove all plastic bags and only use paper bags. We are trying to keep it clean and encumbersome as much as possible
- ADV Removal – ADV removal which is managed by Jesse Cruz. We did three (3) removals in the past two (2) years. The parties involved did it via an agreement which required less paperwork. With this round a draft executive order and a couple other documents were prepared by Jesse Cruz, just so that we are now a unit. Madam Governor is excited about this project. There are multiple federal and local agencies involved with this project. Jesse advised that in the past, Task Force 73 a Navy salvage group out of Singapore was doing it as a community project for Guam as they had time when they were on island. This year the new Lieutenant Commander wants to formerly submit this project under their Innovative Readiness Training program. This program would allow them to do different type of projects, which the jurisdictions cannot due on their own, and it also comes with a separate line item budget from the Navy which is why they wanted to formalize it. All permits are in place for this project. Hopefully the team will be able to start in the next month, depending the lock down and modified procedures.

Administrator added that USEPA is putting a lot of funding to insure that removal of hazardous waste is taken care of. The Navy is also doing it as a community project as well.

- Beverage Container Act – Our Agency has a meeting with Speaker Tina Muna-Barnes tomorrow, July 17th. Administrator was advised that because of the regulations that passed they have a funding source which is the RRF (Recycling Revolving Fund). They were also able to come to an agreement with DoD, that they participate and push this forward.
- Administrator advised due that as a result of COVID several meeting have been on hold. However, there are some meetings that have started up again to include a meeting with all the Environmental Directors to come together as a working team, meetings with GEPA, GWA and WERI to discuss the protection of Northern Guam Aquifer. There are multiple topics of discussion such as a paid internship program for WERI students to assist Guam EPA and GWA in technical expertise and geology. We are planning to use some money from our special fund under water resource to try and get the WERI students to entwine with Guam EPA and GWA before we lose them to companies with higher paying jobs.
- Green Waste – A proposal came out to try and get CHamoru Land Trust to identify properties for recycle bids and green waste. **remainder of Administrator statement was muffled and fading in and out, which was also acknowledged by the Board Chairman**
- RRF – Sabrina updated that they did the data orientation with the village mayors at the Dededo Senior Citizens center **delay due to feedback** with 29 people in attendance to include village mayors and their assistants. We also received the Mayors Counsel Operations Plan and a reminder was given to the Mayors to renew their collection permits. To date there are seven (7) that are in compliance. On July 7th we held another data orientation meeting for the recyclers and transportation companies. Everyone is on board and knows what to do and that there is no deviation from the new forms that were provided to them. The Mayor's Counsel Operations Plan was also approved today, July 16, 2020 and a letter was sent to MCOG, however no purchase orders have been released with no delay from our Agency. *Chairman* commented that he was at the second meeting and MCOG is aware that this process will be scrutinized by Guam EPA so the process should go much smoother than in the past. Sabrina also updated that on June 26th the agency completed their pre Island Beautification Cleanup which was actually scheduled for June 27, but postponed. Thank you to Director Hollister for stopping by and showing support.
  Director Roth inquired if the Mayors Counsel has the $1.3M to spend. Sabrina clarified that they only have around $466K which is for the end of FY2020 which ends the end of September. Beginning October 1st, they would have $900K, which was what the board approved.

V. Old Business:

- Active NOV's
  - Safe Drinking Water NOV's update (Lin's Hardware, Su & Zheng Corp and Feiyang Construction & Engineering) – No Update at this time per Brian. *Director Carbullido* inquired if they is any time sensitive issues with this. Per Brian, no time issues with this NOV. Kristan advised these NOV's are not contested and it's just a matter of getting them into compliance. They are in compliance and no longer selling those products, per Brian.
  - Smithbridge – Per Brian, they have been meeting with the Administrator and decided to move forward with settlement agreement.
  - Piti failed septic system update – Brian updated that the property owner left Guam and is not contactable. Ghura sent out an eviction notice to the largest house on the property. There seems to be no more overflows so we are working on trying to close that out given the owner is no longer on island, said Brian.
  - Contract Watts update – Agency is moving forward with settlement agreement and proposed penalties.
  - Dusit Thani update – A submittal of their design how to reduce velocity and spread the flow out during large storms was received by our office right before the government shutdown due to COVID, This is still under review by our office.
  - Sand Castle update – Completed a lot of their work and the last update was that they were in discussion with DPW about getting the storm drain in front of their business to work better.
  - Verona & Old Royal Palm Garage update -
  - GWA NOVs (UST) update
  - Settlement Agreement with UOG (NOV UST 18-00) update
- Underground Storage Tank Rules and Regulations Update – Kristen advised there are still a few minor corrections that need to be made to bring the regulations in line with the statute. Once this is done, it should be good to go.

- Plastic Bag Initiative update – **please refer to Administrator's report**
- Code of Conduct or Ethics training for Board of Directors update – Kristan updated there is not updated on the training that is provided by UOG and GCC. She spoke to the Assistant Attorney General who provides the training and he is ready to move forward. He just needs a date and time due to this is a lengthy training (about 2hrs). This training is not specific for Guam EPA but it covers sources of Guam Law, Ethics, Open Government Law, Roberts Rules of Order and FOIA (like how meetings should go) to name a few. Board of Directors agreed to have it outside of a board meeting in the afternoon. *Chairman* advised Kristan to get something scheduled.

VI. New Business:

- Notice of Appeal referencing the Pesticide Stop Sale and Removal from Sale Order to R&R Distributors, Inc. Issued on June 1, 2020. - Administrator apologized that this situation is a little different as we did not issue an NOV. What was issued was a Stop Sale Order. Kristan advised that the Stop Sale Order was issued and is being appealed. Kristan stated that the board will have to meet on that and there is a deadline on that appeal. She also reiterated what the Board Secretary has stated in regards to the hearing officer. Chairman advised that the date is August 15th. Conchita inquired if she can chime in to update on issue. Kristan advised that we shouldn't talk about the merits of the order or the appeal due to the board would need to have the appeal in front of them and proceed to the guidance of the hearing officer. Conchita has yielded to legal counsel. Chairman requested to have the Stop Sale Order and Notice of Appeal be sent to the Board. Board Secretary advised it will be sent in the next few minutes. Chairman stated we would need to schedule next board meeting before deadline and we would need guidance from the hearing officer. Betwin advised Notice of Appeal was received by Pesticide Division on June 15, 2020 and this calls for a 60 day period for a hearing which would be August 14th. Chairman inquired with Legal Counsel, Kristan, if they can meet outside of board meeting to discuss this issue and Kristan advised it cannot be done. Kristan stated this is a new process. *Chairman* asked if the 10 day notice is applicable. Per Kristan this is correct. Board Secretary inquired if the 10 day notice is calendar days or business days. Chairman stated the hearing will be included in the next regular board meeting. *Director Pape* made motion to approve that the hearing be scheduled with the next regular board meeting, 2nd by *Director Roth*. All in favor (except Director Hollister) zero (0) opposed, and motion approved.

VII. New Meeting Date/ Adjournment: Next meeting set for August 6, 2020 at 4pm via Google meet platform. *Director Carrera* made motion to adjourn meeting and seconded by *Director Carbullido*. All voted in favor and meeting adjourned at 5pm.

Arlene S Acfalle

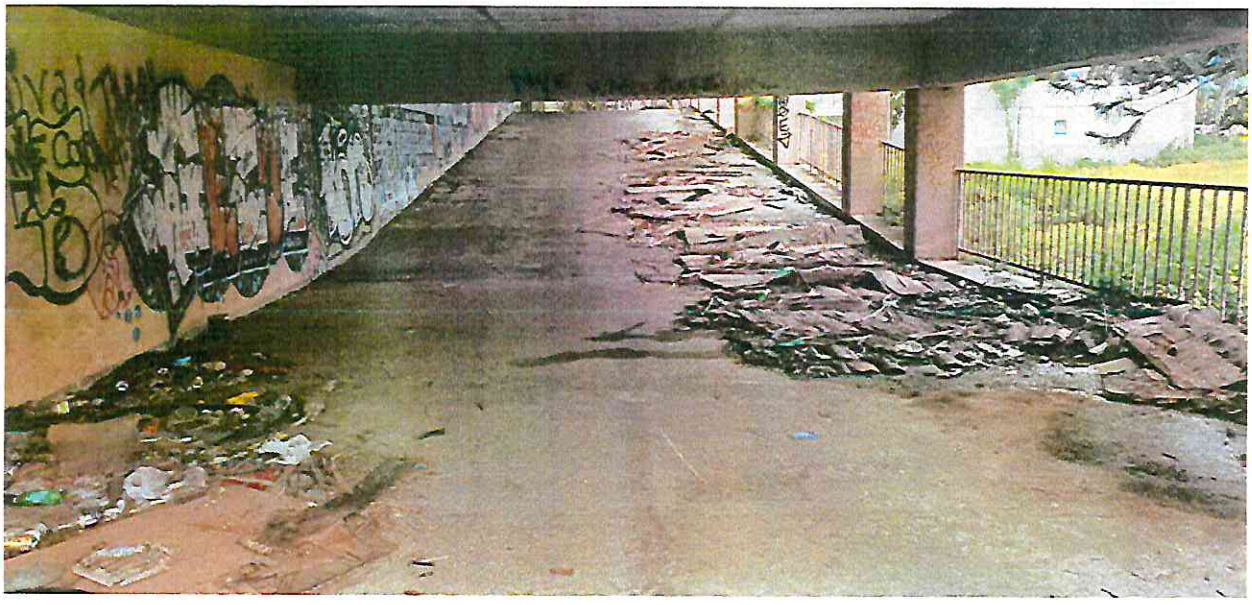
SWMP update on Parking Garage NOV and Verona Resort
Prepared by: Glenn San Nicolas
Board Meeting August 13, 2020

1. Parking Garage: No progress in terms of cleanup/ Under New ownership: Honui Guam LLC/ Trying to obtain POC, They were represented by Cabot Mantanona LLC. According to CMLLC they are not sure if they have a local presence. Advised by Kristin to issue NOV to new owners

2. Verona Resort NOV. The owner is still off-island, Hongkong, Site cleanup started but not cleaned up. Someone is cleaning up since a lot of the bulky debris has been removed. Lagu Sanitation Bin on-site and filled with misc. solid waste.













§ 45112. Fees.

(a) The Board shall have the authority to establish and modify from time to time, by rule or order, reasonable application and regulatory fees for services as necessary to implement and consistent with the powers and duties vested in the Agency pursuant to §45105.

(1) Such fees, when considered together with any legislative appropriations, shall be at least adequate to cover the full cost of providing such services inclusive of reasonable cost for administration and other Agency overhead costs.

(2) The Board shall have the authority to establish different fee classes for the same services, including but not limited to residential, commercial, government, and military. When establishing such different fee classifications, the Board shall consider both the Agency work load and ability to pay that may be associated with such classification types.

(3) The Board shall include in any order or rule created under this Section, the specific Agency fund into which fees shall be deposited, consistent with the powers and duties vested in the Agency pursuant to §45105. If no other fund is specified, any fees collected under this Section shall be deposited into the Guam Environmental Trust Fund.

(b) Prior to the establishment or modification of any fee, the Agency shall ensure the following actions occur:

(1) The Agency shall publish notice of any proposed fee or fee modification on the Agency's official website and in a newspaper of general circulation, as defined in § 8104 of Chapter 8 of Title 5 of the Guam Code Annotated, Open Government Law, at least thirty (30) days prior to consideration at a Board meeting. The notice required herein shall include

the Agency's intention to establish or modify the fee, its current fee, the proposed fee, the difference in current and proposed fees stated in percentage form, a justification for the change, and an electronic email address and physical location where comments on the proposed fee or fee modification may be submitted; and

(2) The Board shall hold a public hearing and allow any interested party in person or his authorized representative or both an adequate opportunity to participate in the formulation of the proposed rule or rules through the presentation of facts or argument or the submission of written data or views. All relevant matter presented shall be given full consideration by the agency, and a change in the proposed rule or rules because of facts, arguments, written data or views stated at the hearing will not require the setting of a new hearing unless it is so determined by the Board.

(c) Interim fees. Until replaced by the Board with new fees pursuant to this Chapter, all previous Agency fees implemented by law or regulation shall remain in effect.