



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

January 22, 2021

Doc Type: 36GL-21-0121
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

Honorable Therese M. Terlaje
Speaker
I Mina'trentai Sias na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

-01- 28 2021

Time: 12:08 PM
Received: M.C.


RE: 5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting – January 2021

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 2021, 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

COMMITTEE ON RULES
RECEIVED:
Jan. 28, 2021
3:22 P.M.



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

Enclosures: January 21, 2021 Approved Agenda
December 17, 2020 Approved Minutes
Sign In Sheet (Attendance)
RRF Financials
Approved Performance Evaluation for Board Secretary, Arlene Acfalle
Commendation Letter, Arlene Acfalle
Guam EPA Policy #GEPA 21-001 "Choose To Reuse": Mungna Maayek I Plastek Act of 2018"

GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANIÁLALA'

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Guam EPA Board of Directors regular meeting agenda

Thursday, January 21, 2021 – 4:00 p.m.

Location: Google Meet: <https://meet.google.com/ykq-mnsv-spa>

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

Meeting will live stream on [youtube.com/guamepa](https://www.youtube.com/guamepa) and [facebook.com/guamepa](https://www.facebook.com/guamepa)

- I. Call to Order
- II. Approval of Agenda
- III. Approval of December 17, 2020 Meeting Minutes
- IV. Administrator's Report
- V. Old Business:
 - Water Division Active NOV's update
 - ❖ Safe Drinking Water NOV's (Lin's Hardware, Su & Zheng Corp and Feiyang Construction & Engineering)
 - Water division inspectors were sent out to follow up on the violation and found out one of the stores is still selling the non-certified products and the owner is defying the order. We are trying to follow up with our legal counsel and the Administrator on what needs to be done to take further action.
 - ❖ Smithbridge
 - Water division still working with legal counsel on getting the draft letter done.
 - ❖ Piti failed septic system
 - Water division staff is scheduled to go out for inspection.
 - ❖ Contract Watts
 - Draft settlement is still being debated by agency and will have something on that soon.
 - ❖ Dusit Thani
 - Water division waiting on Dusit Thani to submit plan to agency.
 - ❖ Sand Castle
 - Water division waiting on Sand Castle to submit plan, dependent on DPW.
 - Solid Waste Management Program Active NOV's
 - ❖ Verona & Old Royal Palm Garage update
 - GEPA still trying to locate new owner.
 - Air Pollution Control Nov
 - ❖ Korando update
 - Air Pollution division waiting on them to submit their dust control plan.
 - Underground Storage Tank Rules and Regulations Update
 - Air Pollution: Findings of Failure to Submit State Implementation Plans (SIP) update (for Attainment of the 2010 1-Hour Primary Sulfur Dioxide (SO₂) National Ambient Air Quality) update

PAGE 1 OF 2

- Performance Evaluation review for Board Secretary
- MCOG (RRF PL 35-99)/ MOU Update

VI. New Business

- Discussion of the Board of Directors Stipend
- Discussion of the Plastic Bag Ban Initiative

VII. New meeting date and adjournment



AHENSIAN PRUTEKSION LINATA 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, December 17, 2020
Via Google meet platform**

MINUTES

- I. **Call to Order:** Chairman Robert Perron called the Board of Director's meeting to order at 4:05 p.m. The following individuals were present during the virtual board meeting via Google meet **Board Members:** Robert Perron-*Chairman*, Ann Roth-*Vice Chairwoman*, Flori Sanchez, Steve Hollister, Steven Carbullido, Nonito Blas and Steve Carrera **Guam EPA Staff:** Walter Leon Guerrero- *Administrator* Michelle Lastimoza-*Deputy Administrator*, Arlene Acfalle, Nic Lee, Sabrina Sablan, Kristan Finney, Connie Afleje, Brian Bearden and Roland Gutierrez. **General Public:** Tyler Matanane
- II. **Approval of Agenda:** Board Secretary asked the Chairman if he wanted to include the Open Government Law discussion, requested by Kristan, under New Business. Director Roth made a motion to approve the agenda to include the Open Government law discussion, seconded by Director Hollister. All in favor, zero (0) opposed and motion passed.
- III. **Approval of Minutes:** Vice Chairwoman Roth requested to change the spelling on the word ducts to dust under Old Business (Korando). Director Roth moved to approve the minutes with the corrections second by Director Carrera. All in favor, zero (0) opposed and motion passed.
- IV. **Administrator's Report:** Deputy Lastimoza reported on behalf of the Administrator. Administrator would like to greet everyone with a Merry Christmas and Kudos to our Guam EPA team for their outstanding work that everyone has done and contributed in the face of adversity during the pandemic. Administrator would also like to congratulate the current Administration for initiating the Covid 19 vaccinations and helping us move forward through this pandemic. Deputy Lastimoza also reported that the RRF/MCOG MOU has been approved by MCOG and BBMR and is currently at the OAG for their review and approval. Administrator also requesting for Dr. Austin Shelton to attend the board meeting to explain UOG plan to use the funds from the RRF. Administrator also had a call this morning regarding the RRF, stimulus initiative and possible change of shipping ports which may have an adverse effect on the market. We are currently expanding to shift our paper permitting process to an electronic data system. Along with what Guam EPA is doing in house with USEPA's contractor, Innovate, the Department of Revenue and Taxation is also initiating their own form of electronic permitting using some Cares Act funding. We are hoping the two platforms are able to read each other and we will be able to use that electronic permitting system on a permanent basis, said Deputy Lastimoza. This would allow for the nine multiple programs that currently may have oversight over our permit application to then be able to review that process concurrently. We have had many criticism about Guam EPA being the hold up in this permitting process and that is because Guam EPA has nine programs and regulations that go along with that oversight. We are hoping this electronic permitting system will speed up the process for our agency. Deputy also reported that Brian Chief Engineer of water division, is still pulling double duty as our Chief Engineer and as liaison to the federal government during this pandemic. Kudos to Brian for wearing two hats, both locally and federally.

Board Secretary, Arlene, chimed in to inform the board members that Dr. Austin Shelton advised he will not be able to participate in today's board meeting. Chairman advised Dr. Shelton emailed a response to the letter that

was sent by Guam EPA Board and he would work on the priorities and present it to the Board within the next two months.

V. Old Business

Active NOV's

➤ WATER DIVISION

- Safe Drinking Water NOV's update / Lead Ban Act (Lin's Hardware, Su & Zheng Corp and Feiyang Construction & Engineering) **Brian advised he will provide report in general for the NOV's due to legality reasons** Brian advised the inspectors were sent out to follow up on the violation and found out one of the stores is still selling the non-certified products and the owner is defying the order. We are trying to follow up with our legal counsel and the Administrator on what needs to be done to take further action. The two other stores were in compliance and we need to close them out.
- Smithbridge update- Brian is still working with legal counsel on getting the draft letter done.
- Piti failed septic system update- Brian advised Staff is scheduled to go out for inspection.
- Contract Watts update- Brian advised draft settlement is still being debated and will have an update on that soon.
- Dusit Thani update- We are waiting on Dusit Thani to submit their plan to agency.
- Sand Castle update- We are waiting on Sand Castle to submit their plan as well, dependent on DPW. Since that time the DPW Chief Engineer has left and causing delay

➤ Solid Waste Management Program

- Verona & Old Royal Palm Garage update – Roland advised that based on last meeting Glenn is still trying to locate the new owner. Administrator advised that Glenn had asked for assistance from Rev & Tax to look through their database to contact the company that is now listed as the owner. Information was received by Rev & Tax however we are still trying to locate the company that represents the owner. We are still having difficulty trying to locate the owner. Once we locate the owner, we can move forward stated the Administrator.

➤ Air Pollution program

- Korando – Roland advised we are still waiting on them to submit their dust control plan. Korando wants to submit the plan and continue to operate and later will submit the opposition to our requirement which is basically their calculation showing they are under the limit for that significant source. Korando reached out last week and submitted a plan but it was not complete, per Roland. Chairman inquired if they are still operating and Roland advised they are not allowed to operate due to they do not have water so they are not able to provide dust control which is the chief complaint.

➤ Underground Storage Tank (HWMP) - Roland advised he spoke to Vince this morning and it's still with the legislature so its status quo at this time.

➤ Findings of Failure to Submit State Implementation Plans (SIP) for Attainment of the 2010 1-Hour Primary Sulfur Dioxide (SO₂) National Ambient Air Quality – Roland advised we are waiting on one more component which is the modeling of GPA. Roland spoke to Sylvia at GPA and they are working with the company who did the initial modeling to remodel to operate at peak capacity versus average capacity. Once this is done, everything will be in place and we should be able to move on from there.

➤ Performance Evaluation for Deputy Administrator and Board Secretary update- Chairman stated the evaluation for the Deputy is not under the Board's purview, but more so the Administrator. He also stated that the Deputy does not report to the Board. He mentioned that the Administrator submitted her performance evaluation as courtesy. Administrator chimed in and stated that the Board is not required to conduct a performance evaluation but he did ask that the Board review her evaluation so that she has the endorsement from the Board. Chairman asked the board members if they have any questions, as he is in concurrence with Administrators comments. No questions from remaining board members. ***Kristan clarified that this position is directly under the board who sets the qualifications, the duties and the tenure of the Deputy administrator***

-Board Secretary: Chairman advised the Board does have components on Board Secretary's evaluation. Vice Chairwoman inquired on review date which is from April 2019 to October 31, 2020. So the review should be an 18 month review and not a 12 month review. Administrator stated he will verify Board Secretary's start date. Chairman advised of his comments that he appreciates the board secretary's efforts during some trying times personally and with Covid, she has been instrumental in getting information out to the board and making sure we are in the loop. Chairman also stated that if there is any pay raises to be given, the board secretary should be in line for one to commensurate with her contributions.

➤ MCOG (RRF PL 35-99) MOU update- Sabrina reiterated the Administrators update that the document is with OAG for their review. She also added that MCOG Director, Angel Sablan, committed to close out FY20 and have all their

data available to Guam EPA by December 11, 2020, but we have yet to receive it. Vice-Chairwoman Roth asked what happens after it is signed by the AG's office. Sabrina advised it goes to the Governor for her review and signature.

➤ RRF Financial spreadsheet update – Connie advised she used the same spreadsheet that was provided by Director Carbullido. With assistance from Director Sanchez she was able to update the form. The list stays the same and under the expenditures it shows only the salaries and benefits. Per Connie, once we start paying out on the invoices for the outreach and zero waste and of course the stimulus, we will start to see the numbers change. On the first page of the financials you will see the numbers of all the projects that were approved by the board and the dollar amounts as well. Director Carbullido advised that he sent in an updated spreadsheet to show balances on the mother account. He requested that going forward we have this balance included as well. Connie advised she did not receive the updated spreadsheet but did acknowledge the request. Chairman inquired with Connie the accuracy of the appropriated amount showing which is \$2.365 million and all projects that has been committed is \$1.460 million. Connie advised that she did not encumber the full \$1.3Million that the legislature had approved for the MCOG. She only encumbered the \$500K that was approved by Board. Once the MCOG request for additional funding, with approval from the Board, we will see that number rise and figures change. Administrator asked Board Chairman if the Board prefers to see the draw down to MCOG. Director Carbullido added that we are on the right tract as far as the spreadsheet is concerned but ideally he would want to see how much the legislature has or the Guam EPA board voted and approved on. The amounts would show the \$1.3M plus the \$500K for the stimulus program and how much has not been budgeted and to also include information on the mother account so the Board would know how much is left for additional programs in the future such as Solid Waste Management and the Guam Beverage Container program. Chairman stated that the balance on the bottom line shows \$904K of which \$800K will be given to the MCOG. Per Connie she did not put the \$1.3Mil, only because the Board approved the initial drawdown of \$500K, but the Board has up to \$1.3Mil based on the budget law. It shows what has been encumbered already against the funds that have been accounted for. Chairman agreed, however once we include the \$800K it would give us a balance of \$100K and the salaries and benefits figure will go up. Per Connie, on the second sheet of the spreadsheet she has already accounted for the salaries and benefits for the whole year. So the only number that will change is the MCOG leaving a balance of \$100K not including the funds in the mother account. Chairman inquired if the funds in the mother account would need to be appropriated by the legislature. Connie advised that the mother account does not need to be appropriated and can be used immediately. Deputy Lastimoza asked for clarification on the worksheet with the tab RRF, it shows the non-lapsing mother account. Connie clarified that rows 1 through 10 is the annual appropriation account from the legislature and the bottom is the non-lapsing mother account. Vice Chairwoman Roth inquired if we are able to spend funds in the mother account or not unless the regulations are in place. Director Carbullido asked if the mother account can be used for the MCOG and the stimulus since they have regulations and that other programs cannot be funded until they have approved regulations in place. Sabrina and Administrator advised that is correct. Vice Chairman Roth asked when did the Board approve the stimulus of \$500K and what is the hold up. Director Carbullido advised it was during March 2020 board meeting. Administrator explained the \$500K for the stimulus requires a sliding scale to meet the recycle market. In the past every recycle commodity was given the same value. So the sliding scale will safely indicate which commodities don't need as much money versus other commodities. Our contractor, Jacobs, has been tasked to prepare the sliding scale. Roland advised, per Sabrina this was submitted a couple months ago. Sabrina chimed in and advised that the contractor, Jacobs, completed the stimulus sliding scale in April of 2019. They also provided us some tools to get the current market prices on Guam. We need to find out the cost of the material and the cost of shipping. The agency has not implemented a stimulus program, although the board has approved funding. Currently we are just doing the MCOG program and all the contractors and recyclers that are on the Mayors Counsel will also be participants of the stimulus. In the past it was either or. Either we do the clean up or we do the stimulus. Administrator advised he has a conference call this morning with Matson and they indicated with China closing their doors for recycled goods and other shipping commodities there will be a shift in cost to the shipping, which may bring economic ramifications to our island.

Chairman advised that the issue was China went through the national sword and all other programs with the goal of stopping outside recyclable materials from coming into China effective January 2021. The other issue that is creating a problem is that Matson trans-ships through Shanghai. So they bring the material to Shanghai and load it to a different boat and send it on a feeder line to other destinations like Korea. China is not allowing that as well. So it can either go to Taiwan or Japan. Matson is trying to workout trans-shipment arrangements to those locations, because they lost the Shanghai trans-shipment hub. This has created a big problem, said Chairman. Chairman contacted Walter regarding the shredded tires advising they have 20 containers sitting due to Matson

has not figured a way to get them to Korea. The Korean buyers are also having problems due to the National Government changed some of their laws as well. Per Chairman two things are going to happen. Either we shut the door and not accept tires anymore because we have no place to put them. If all else fails, it may need to go to the landfill which is a last resort, but it's something that may have to happen in case the whole market shuts down. Chairman stated that as a business man it costs a lot more to put it at Layon then to send it off island. Placing it at Layon will be last resort but they may have to if there is no other alternative. Director Carbullido asked if we can use the shredded tires on construction projects for a pipe trench for instance. Administrator stated it calls for a specific type of processing of the tires which we don't currently do on Guam. Chairman advised the engineer would need to design it into the plan, based on historical uses of the material. Chairman Blas asked if we can close out the original topic of the stimulus and save this discussion for another meeting. Administrator stated that this is part of the Segway in regards to the tire issue and the shipping line issue which may cost more to move things of our island. If this happens it may require these companies to obtain some of the stimulus funds.

- UOG Letter for expenditure plan update. – Chairman stated he signed the letter that was sent to UOG requested that they send us their expenditure plan prior to spending the funds. UOG has responded that they will have something to us in the next 30 to 60 days.

VI. **New Business:**

- Open Government Law Presentation – Kristan read a portion of 5GA Chapter 8 which does several things. She stated that what this law does it that it set requirements for public notice of meetings and opportunity for public attendance at meetings. At this time this is done differently based on EO due to pandemic, however there still needs to be public notice and opportunity for the public to participate. There is also no requirement that anyone from the public who attends a meeting has to identify themselves or that they need to participate. The open government law also sets requirements for special meetings, the minutes to be made available to the Legislature and the OPA. It also states that the Board is not able to take any action outside of a public meeting. The Board may also not deliberate leading to any action outside of an official meeting.

Director Blas inquired if FOIA requests needed to be sent to the Board as a whole and not individually. Kristan advised that is a different chapter. Kristan stated that the purpose of FOIA is that all documents are public documents. When there is a FOIA request to the agency, the agency should respond to it. If it pertains to anything involving the Board, it should be presented to the entire Board and responded by the whole agency.

Chairman advised that all FOIA requests gets forwarded to the agency's PIO. Nic acknowledged and advised that FOA requests get forwarded to him and it gets disseminated to the various programs depending on the nature of the request. If one does come up, specifically for the board he will include the Board on it.

- I. **New Meeting Date/ Adjournment:** Next meeting set for January 21, 2021 at 4pm via Google meet platform. *Director Carbullido made motion to adjourn meeting and seconded by Director Hollister. All voted in favor, zero (0) opposed and meeting adjourned at 5:09pm.*



Arlene S Acfalle
Board Secretary



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Virtual Board of Director's Meeting

Thursday, January 21, 2021, 4:00 p.m.

Via google meet platform

SIGN IN SHEET

BOARD MEMBERS:

Robert Perron

✓ present

Florida Sanchez

✓ present

Ann Roth

✓ present

Steven Carrera

✓ present

Steven Hollister

✓ present

Steven Carbullido

✓ present

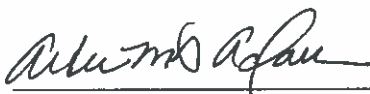
Nicolas Pape

✓ present

Nonito Blas

✓ present

Attendance certified by Board Secretary:



Date: 1/21/2021

Arlene MS Acfalle

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Employees and visitors sign in here:

1. Thomas Hertslet/TA Ent Inc.

16. Nic Lee

2. Conchita San Nicolas

17. _____

3. Connie Afleje

18. _____

4. Anumita Kaur/ PDN News

19. _____

5. Vince Pereira

20. _____

6. F.Castro (Sen. Sabina Perez Office)

21. _____

7. Brian Bearden

22. _____

8. Heidee Eugenio

23. _____

9. Sabrina Cruz-Sablan

24. _____

10. Mike O'Mallen

25. _____

11. Jesse Cruz

26. _____

12. Glenn San Nicolas

27. _____

13. Roland Gutierrez

28. _____

14. Arlene Acfalle

29. _____

15. Walter Leon Guerrero

30. _____

*Certified By: [Signature]
Arlene Acfalle
Board Secretary*

AMOUNT APPROPRIATED BY THE LEGISLATURE FOR FY2021	\$	2,365,523.00
NON LAPSING ACCOUNT BALANCE AS OF 1/19/2021	\$	3,332,576.42
TOTAL	\$	5,698,099.42
AMOUNT BUDGETED TO DATE	\$	2,775,000.00

Recycling Revolving Fund Programs

Budget

Amount Spent/Distributed t Note

		Budget	Amount Spent/Distributed	t Note
1	Recycling Industry Economic Stimulus Program	\$ 500,000.00		Appropriated in GEPA Board Mtg Marc
2	Mayor's Council of Guam Island-wide Environmental Cleanup Program	\$ 1,300,000.00	\$ 500,000.00	Appropriated in FY '21 Budget Law
3	UOG G3 / Island for Sustainability	\$ 500,000.00		Appropriated in FY '21 Budget Law
4	Contract for Professional Services to Promote Recycling	\$ 100,000.00	\$ 100,000.00	Appropriated in FY '21 Budget Law
5	Contract for Professional Services to develop and implement the Guam Zero Was	\$ 300,000.00	\$ 300,000.00	Appropriated in FY '21 Budget Law
6	Salaries and Benefits for 1 FTE	\$ 75,000.00	\$ 75,000.00	Appropriated in FY '21 Budget Law
	Subtotal	\$ 2,775,000.00	\$ 975,000.00	\$

OBJECT CATEGORY	5619A212200203 FISCAL YEAR 2021	YTD	OUTSTANDING ENCUMBRANCE	EXPENDITURES	BALANCE
SALARIES	45,014.00	45,014.00	-	4,674.24	40,339.76
BENEFITS	15,513.00	15,513.00	-	1,547.05	13,965.95
CONTRACTUAL	2,304,996.00	2,304,996.00	400,000.00	-	1,904,996.00
Total Amount	2,365,523.00	2,365,523.00	400,000.00	6,221.29	1,959,301.71

ACCOUNT EXPIRES 9/30/2021

OBJECT CATEGORY	5619C072200CE 203 NON LAPSING ACCOUNT	YTD	OUTSTANDING ENCUMBRANCE	EXPENDITURES	BALANCE
SALARIES	71,333.70	71,333.70	-	-	71,333.70
BENEFITS	45,212.70	45,212.70	-	-	45,212.70
TRAVEL	33,937.47	33,937.47	729.00	-	33,208.47
CONTRACTUAL	3,160,033.29	3,160,033.29	-	-	3,160,033.29
SUPPLIES	10,426.59	10,426.59	-	-	10,426.59
EQUIPMENT	12,361.67	12,361.67	-	-	12,361.67
Total Amount	3,333,305.42	3,310,517.16	729.00	-	3,332,576.42

ACCOUNT EXPIRES 9/24/2024

Fiscal Year 2021 Revenues
 Recycling Fees 308,733.03 as of 11/19/2020

Funds have already been encumbered in FY2021 Outstanding Encumbrance
 Recycling Revolving Fund Programs in Chapter 51

	Amount Legislature approved for FY '21
1 Recycling Industry Economic Stimulus Program	\$ -
2 Contract for Professional Services to Promote Recycling	\$ 100,000.00
3 Contract for Professional Services to develop and implement in the Guam Zero Waste Plan (2013)	\$ 300,000.00
4 Mayor's Council of Guam island-wide Environmental Cleanup Program	\$ 1,300,000.00
5 Salaries and Benefits for 1 FTE	\$ 75,000.00
	\$ 1,775,000.00



COPY

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WALTER S. LEON GUERRERO, ADMINISTRATOR

PERFORMANCE REVIEW – BOARD SECRETARY – ARLENE S ACFALLE

Pursuant to 5 GCA §43202: the governing Boards for all agencies, instrumentalities, or entities shall issue performance reviews of the Chief Executive selected for that agency six (6) months after appointment of the said Chief Executive and every twelve (12) months thereafter that the Chief Executive is retained by the Governing Board. Each performance review shall document the Chief Executive's performance, accomplishments, and the respective Governing Board's reasons for retaining the said Chief Executive.

REVIEW TYPE:			PERIOD:
6 Month	12 Month	<input checked="" type="checkbox"/> 18 Month	From 04/03/2019 To 10312020
OVERALL PERFORMANCE RATING:	BOARD OF DIRECTORS RECOMMENDATION	BOARD COMMENTS:	
<input type="checkbox"/> Outstanding <input checked="" type="checkbox"/> Highly Satisfactory <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	<input checked="" type="checkbox"/> Yes, recommended <input type="checkbox"/> Yes, recommended with attached conditions <input type="checkbox"/> No, not recommended		
BOARD SECRETARY REVIEW:		BOARD SECRETARY'S COMMENTS:	
<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree Board Secretary's Signature/Date			
ADMINISTRATOR'S REVIEW:		ADMINISTRATOR'S COMMENTS:	
<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree Administrator's Signature/Date 01/07/2021			
PERFORMANCE REVIEW ATTESTED BY:		VICE CHAIRPERSON'S COMMENTS:	
Vice Chairperson's Signature/Date 1-8-2021		Arlene does an outstanding job and I am very satisfied with her performance. I would prefer the board packet be emailed 2 days prior board meeting, although I realize some of this will be out of her control.	
BOARD CHAIRPERSON'S CERTIFICATION OF PERFORMANCE REVIEW:		CHAIRPERSON'S COMMENTS:	
Chairperson's Signature/Date 1-7-21		Arlene does an excellent job in all aspects of her job as Board Secretary. She keeps board members informed of agency issues. Provides excellent follow up and attention to detail. I would highly recommend a pay increase commensurate with her value to the Board and the Agency.	

BOARD SECRETARY'S PERFORMANCE STANDARDS (AS DETERMINED BY THE BOARD OF DIRECTORS)		
Board Secretary	Administrator's Executive Assistant	Deputy Administrator's Assistant
<ul style="list-style-type: none"> *Provides administrative and clerical support to the Board *Keeps the Board informed of agency activities *Keeps copies of the organization's bylaws and the Board's policy statements *Keeps and monitors Board Members term *Notifies Board Members of regular scheduled meetings or special meetings *Keeps record of Board attendance. Makes sure that there is a quorum at Board meetings. Keeps accurate Minutes of meetings 	<ul style="list-style-type: none"> *Provides administrative assistance to the Agency Administrator, which may involve highly sensitive and/or confidential matters. *Relieves the Director of day-to-day administrative work *Organizing necessary meeting *Managing the Administrators calendar and schedule *Compile data prior to meetings * Communication between the Administrator and employees *Communication between the Administrator and the Chairman of the Board 	<ul style="list-style-type: none"> * All the job duties in the absence of the Administrator.

Y900

<p>*Records all motions and decisions of meetings</p> <p>*Prepare and submit all required reporting to the Speaker's Office, Guam Legislature</p> <p>*Ensure Publication is posted prior to board meeting</p> <p>*Signs Board Minutes to attest to their accuracy. Records all corrections to Minutes.</p> <p>*Keeps copies of Minutes of Board meetings. Distributes copies of Board Minutes and actions to Board Members after meetings</p> <p>*Conducts general Board correspondence and keeps records of all Board correspondence. Signs official documents of the organization as required.</p> <p>*Responds to concerns of the Board of Directors</p>	<p>*Maintain a filing system of all projects and programs</p>	
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BOARD OF DIRECTORS REVIEW OF BOARD SECRETARY'S PERFORMANCE		
Board Secretary Job Description	Administrator Executive Assistant	Deputy Administrator Assistant
Does the Board Secretary perform duties at level of the standards set by the Board of Directors?	Does the Board Secretary perform duties at level of the standards set by the Administrator?	Does the Board Secretary perform at level of the standards set by the Deputy Administrator?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments:	Comments:	Comments:

BOARD OF DIRECTORS REVIEW OF BOARD SECRETARY'S ACCOMPLISHMENTS		
Board Secretary	Administrator's Executive Assistant	Deputy Administrator Assistant
Does the Board of Directors agree with the Board Secretary's accomplishments in her capacity as Board Secretary?	Does the Administrator agree with the Board Secretary accomplishments in the capacity as Executive Assistant to the Administrator?	Does the Deputy Administrator agree with the Board Secretary's accomplishments in the capacity as Assistant to the Deputy Administrator?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please rate the Board Secretary's accomplishments, as Board Secretary.	Please rate the Board Secretary's accomplishments as Executive Assistant to the Administrator.	Please rate the Board Secretary's accomplishments as Assistant to the Deputy Administrator
<input type="checkbox"/> Outstanding <input checked="" type="checkbox"/> Highly Satisfactory <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	<input type="checkbox"/> Outstanding <input checked="" type="checkbox"/> Highly Satisfactory <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	<input type="checkbox"/> Outstanding <input checked="" type="checkbox"/> Highly Satisfactory <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory
Comments:	Comments:	Comments:

BOARD OF DIRECTORS REASONS FOR RETAINING THE BOARD SECRETARY
<p>The decision to retain the Board Secretary is based on the following (please check all that apply):</p> <p><input checked="" type="checkbox"/> The Board Secretary has performed at the level of performance standards prescribed by the Board of Directors</p> <p><input checked="" type="checkbox"/> The Board Secretary's accomplishments have met the expectations of the Board of Directors</p> <p><input checked="" type="checkbox"/> The Agency is performing its duties as prescribed by 10 GCA §45102</p> <p><input checked="" type="checkbox"/> The Board Secretary performs other duties that are beneficial to the Agency that outside of the performance standards prescribed by the Board of Directors</p> <p><input type="checkbox"/> The Board of Directors recommends retaining the Board Secretary, but with the following conditions:</p> <p>_____</p>

ACCOMPLISHMENTS

April 22, 2019 – Participated in Earth Day clean up at Pago Bay beach

April 2019 - Participated in the Guam CHamoru Orthography training provided by I Kumision I Fino CHamoru – Nominated to be the Liaison for Guam EPA

May 2019 – POC for Relay for Life Festivities.

May 24, 2019 – Participated in Relay for Life Festivities at GWHS field

June 1, 2019 – Participated in the Lt. Governor's Island Beautification Task Force Clean up – RISE UP!

June 27, 2019 – Participated in the 2019 PIEC Conference

June 27, 2019 – Volunteered to be a Proctor for the Radon Testing during the PIEC

July 2019 – Completed the Fall Protection Awareness Training course based upon the US EPA –Region 9 Fall Protection Training Program

September 2019 – POC for the 2019 Government of Guam Labor Day festivities at Ypao beach

September 2019 – Participated in the International Coastal Clean Up

August 1, 2020 – Participated in the Island Beautification Clean up.

August to September 2020 – Assisted Hearing Happy Rons with critical matters in regards to case between Guam EPA and R&R Distributors (please see attached Commendation Letter)

COMMENTS FROM BOARD CHAIRMAN AND VICE-CHAIRWOMAN

[The content of this section is extremely faint and illegible. It appears to contain several paragraphs of text, likely representing the comments of the Board Chairman and Vice-Chairwoman.]

20 September 2020

Mr. Walter Leon Guerrero, Administrator
Guam Environmental Protection Agency

and

Mr. Robert Perron, Chairman, Board of Directors
Guam Environmental Protection Agency

and

Board of Directors Members
Guam Environmental Protection Agency

RE: Commendation of Board Secretary Ms. Arlene Acfalle

Dear Gentlepersons:

Recently I had the delightful experience of working with Ms. Arlene Acfalle on the administrative hearing case of R&R Distributors, Inc. v. Guam EPA. Working with Ms. Acfalle was an outstanding experience which prompts me to write this letter of commendation.

Ms. Acfalle demonstrated great communication and organizational skills throughout our time working together. Her emails were always clear and concise, and never left me wondering.

She was extremely dependable and reliable. Whenever I sent a document or email for the Board her way to deal with, I could put it out of my mind and move on to the next task, without worrying about whether my work requests to her would be completed. They always were, and promptly. She went above and beyond my expectations when she dealt with matters I sent her on a weekend, even though I did not expect them to be addressed until the following Monday.

Ms. Acfalle's attention to detail was stunning. She never hesitated to ask me about any matter I sent her way, in which I may have mis-spoken or been less than clear, and made sure that our work product for the Board or the attorneys was perfect in every way. This went hand in hand with her foresight and anticipation of problems, resolving them before they happened.

She was tech savvy and patient with me in my less-than-tech-savvy nature. She even volunteered to set up a "trial run" Google Meet event for me, which we did, to make sure I was competent in the process, and confident in my abilities to engage in that technology. It increased my comfort level and decreased my stress over that process, allowing me to focus on the legal aspect of matters instead.

Ms. Acfalle did not have experience working on legal documents prior to this case, that I am aware of. Yet she rose to the challenge of doing legal documents for me at times when I did not have access to legal secretaries at the Office of the Attorney General. She was also extremely patient with my numerous revisions of such documents.

In my experience working with her, I found Ms. Acfalle extremely resourceful, diplomatic and, in essence, she radiated professionalism. It was a wonderful and rewarding experience to work with her over the past month and a half, for which I am very grateful.

Mr. Administrator Leon Guerrero, I would request that you put a copy of this letter in Ms. Acfalle's personnel file, so that it will be there for any future work performance evaluations which may occur, or for any other reasons it might be helpful. Thank you.

Sincerely,



R. Happy Rons, AAG
Administrative Hearing Officer



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA LA' GUÁHAN
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

THE GUAM ENVIRONMENTAL PROTECTION AGENCY BOARD OF DIRECTORS

Guam EPA Policy # GEPA 21-001

Relative to the implementation and enforcement of the “Choose To Reuse: Mungna Maayek I Plastek Act of 2018”.

RE: Guam EPA Policy: Paper, Compostable, Biodegradable, HDPE No 2, Disposable Bag Definition

1. Purpose:

The Guam Environmental Protection Agency (Guam EPA) is charged with the responsibility of implementing and enforcing the “Choose To Reuse: Mungna Maayek I Plastek Act of 2018”, Chapter 54B of Title 10, Guam Code Annotated (G.C.A.).

Beginning on January 1, 2021, no retail and wholesale establishments, or any other entity licensed under Chapter 70 of Title 11, GCA, to do business shall purchase or sell or distribute to consumers any disposable carryout plastic bag except disposable carryout plastic bags that meet the following criteria set forth in §54B103(a) disposable carryout bags made of paper, and (b) disposable carryout bags made of plastic, including plastics made from bio-based polymers, shall be biodegradable or compostable; and if otherwise not biodegradable or compostable, be made of high-density polyethylene (HDPE) film marked with the SPI resin identification code 2.

2. Identification of biodegradable or compostable carryout bag

The Guam Environmental Protection Agency finds that entities claiming to purchase or sell or distribute plastic bags made from bio-based polymers that are compostable and biodegradable, should substantiate their claim with reliable evidence to prevent misleading environmental information to consumers. Environmental marketing claims should adhere to uniform and recognized standards, including those standard specifications established by the ASTM (American Society for Testing and Materials) International and consistent with the Federal Trade Commission Guides for the Use of Environmental Marketing Claims. Also known as the “Green Guides”. (Part 260 of Subchapter B of Chapter I of Title 16 of the Code of Federal Regulations).

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Retail and wholesale establishments should ensure that the manufacturer or supplier of bags that are purported to be made from bio-based polymers, biodegradable, or compostable, conform to the ASTM Standard Specifications and that the conforming plastic bags are readily and easily identifiable from other plastic bags in a manner that is consistent with the Federal Trade Commission Guides for the Use of Environmental Marketing Claims

For purposes of this section, "readily and easily identifiable" means labeling that meets the following requirements:

A. Compostable bag

- I. Labeled as meeting the American Society for Testing and Materials ASTM D6400 (standard specification for solid material biodegradation (by composting) required for the labeling of plastics designed to be aerobically composted in municipal or industrial facilities) standard specification by a recognized third-party independent verification body.
- II. Labeled in accordance with one of the following:
 - a. The bag is made of a uniform color of green and labeled with the word "Compostable" on one side of the bag, and the lettering shall be at least one inch in height.
 - b. Labeled with the word "Compostable" on both sides of the bag and the label shall be at least one inch in height.
 - c. Lettering proportionate to the bag size.
 - d. A compostable plastic bag shall not display a chasing arrow resin identification code or recycling type of symbol in any form.
 - e. Plastic bags that do not meet the definition of compostable shall not be tinted green.

B. Biodegradable plastic Bag:

- I. Labeled as meeting the ASTM D5511 testing standard specification by recognized verification entity;
- II. Labeled in accordance with one of the following:
 - a. Labeled with the word "Biodegradable" on one side of the bag, and the label shall be at least one inch in height.
 - b. Labeled with the word "Biodegradable" on both sides of the bag and the label shall be one of the following:
 - i. Lettering at least one inch in height;
 - ii. Lettering in proportion to the bag size.
- III. Includes in the labelling qualifying details such as, but not limited to degradability claim, timeframe, and environment (i.e. 47% degradability in 361 days in landfill conditions).
- IV. A Biodegradable Plastic Bag shall not display a chasing arrow resin identification code or recycling type of symbol in any form.

3. Definition of disposable carryout bag made of paper

For the purpose of this policy, a disposable bag made of paper shall mean a paper bag that:

- A. Is made from Kraft paper or recycled paper;
- B. Is one hundred percent recyclable;
- C. Contains a minimum of 20% percent post-consumer recycled content; and
- D. Displays the words "Reusable" and "Recyclable" in a visible manner on the outside of the bag.

4. Limit on definitions

The Guam Environmental Protection Agency recognizes that the exception to the ban on disposable carryout plastic bags for bags that meet the criteria in §54B103(b) terminates on December 31, 2021, and that after that date, retail and wholesale establishments, and entities licensed under 11 GCA Chapter 70, shall not purchase, sell or distribute to consumers any disposable carryout plastic bags as defined in Title 10 GCA Chapter 54B. The Guam Environmental Protection Agency further recognizes that an exception to the ban on disposable carryout bags for bags made out of paper terminates on July 1, 2022, except as to eating and drinking establishments.

5. Policy favoring elimination of disposable carryout bags

The Guam Environmental Protection Agency will encourage retail and wholesale establishments and entities licensed under 11 GCA Chapter 70 to eliminate the sale and distribution of all disposable carryout bags in anticipation of the termination of the exceptions listed in §54B103(a) and (b).

Acknowledged by:



Walter S. Leon Guerrero
Administrator, Guam EPA

01/21/2021

Date

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NOW THEREFORE, the Guam Environmental Protection Agency Board of Directors hereby adopts the Guam EPA Policy # GEPA 21-001, a true and accurate copy of which is attached hereto and incorporated herein by reference.

Approved This Day: _____

Robert A. Perron
Board Chairman, Guam EPA

Date

Ann Roth
Board Vice Chairman, Guam EPA

Date

Arlene Acfalle
Board Secretary, Guam EPA

Date

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