

From: [Committee on Rules 36GL](#)
To: clerks@guamlegislature.org
Subject: Re: Messages and Communications for Doc. No. 36GL-22-2743.
Date: Friday, October 28, 2022 9:11:18 AM
Attachments: [image001.png](#)

Håfa Adai Clerks,

Apologies, please see below to reflect the correct M&C number:

Please see attached M&C Doc. No. **36GL-22-2743** for processing:

36GL-22-2743 5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting - October 2022. Guam Environmental Protection Agency

Si Yu'os Ma'åse',



COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes, Chairperson
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
Guam Congress Building | 163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

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On Fri, Oct 28, 2022 at 8:31 AM <clerks@guamlegislature.org> wrote:

Håfa Adai,

Received, and thank you.

Katrina Charfauros

Clerks Office

I Mina'trentai Sais Na Liheslaturan Guåhan

Guam Congress Building

163 Chalan Santo Papa Hågatña, Guam 96910

Phone: (671) 472-3465

www.guamlegislature.com

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From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Thursday, October 27, 2022 5:00 PM
To: Clerks <clerks@guamlegislature.org>; Rennae Meno <rennae@guamlegislature.org>
Cc: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Subject: Messages and Communications for Doc. No. 36GL-22-2743.

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-22-2736 for processing:

36GL-22-2736	5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting - October 2022.	Guam Environmental Protection Agency
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Si Yu'os Ma'åse',



COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes, Chairperson
36th Guam Legislature
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----- Forwarded message -----

From: **Speaker Therese M. Terlaje** <speaker@guamlegislature.org>
Date: Thu, Oct 27, 2022 at 4:37 PM
Subject: Messages and Communications for 36GL-22-2743
To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-22-2743.

36GL-22-2743	5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting - October 2022.	Guam Environmental Protection Agency
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Si Yu'os Ma'åse'

Marie Cruz

Community Relations Liaison

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Lihesiaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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COPY

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

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

October 27, 2022

RE: 5 GCA 8113.1 Reporting Requirements for Board of Directors Regular Meeting – October 2022

Håfa 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 August 2022, 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 671-300-4751.

Respectfully,

JeanAnn Artero
Guam EPA Board Secretary

Doc Type: 36GL-22-2743
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

-10- 27 2022

Time: 3:27pm
Received: [Signature]

cc: Guam EPA Administrator
Guam EPA Board Chair

Enclosures: October 20, 2022 Attendance Sheet (Certified by Board Secretary)
October 20, 2022 Approved Agenda
September 22, 2022 Approved Minutes
RRF Financials
MCOG – FY23 Expenditure Plan

COMMITTEE ON RULES
RECEIVED:

October 27, 2022

4:37 P.M.



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

Board of Director's Meeting
Thursday, October 20, 2022 4:00 p.m.
Via Google meet platform

SIGN IN SHEET

BOARD MEMBERS:

Chairman Steven Carbullido	Present calling in from Tamuning
Vice-Chairman Steven Carrera	Present calling in from Saipan
Director Steve Hollister	Present calling in from Agat
Director Moneka De Oro	Not present
Director Fran Castro	Present calling in from Ipan, Talo'fo'fo'
Director Dave Duenas	Present calling in from Dededo

Certified By:

X 

JeanAnn Artero
Board Secretary

Employees and visitors sign in here:

1. **Walter Leon Guerrero**
2. **Arlene Acfalle**
3. **CAPT. Brian Bearden**
4. **Nic Lee**
5. **Don Quinata**
6. **Jesse Cruz**
7. **Michael O'Mallan**
8. **Angel Sablan**
9. **Katie Koenig**
10. **Romeo Zacarias**
11. **Lauren Taijeron**
12. **Tony Diaz**
13. **Jesse Chargualaf, Jr.**
14. **Julie Muñoz**
15. **Rosemary Cortado**
16. **JS**
17. **Orlando Ebalo**
18. **Prutehi Litekyan Outreach**
19. **Shane Haley**
20. **Robert Barcinas**
21. **Kelly Marsh-Taitano**
22. **Joseph Horton**
23. **Senator Sabina Perez**
24. **FC**
25. **Kai Perez**
26. **Fran Tibayan**

27. Margaret Aguilar

40. Kyle Dahilig

28. Mart Dueñas

29. Sophia Underwood

30. MWS

31. Czeska Cabuhat

32. John O'Connor

33. Dakota Camacho

34. Hope Cristobal

35. Jessica Nangauta

36. Bobbie Benavente

37. Maria Sol Marquez

38. Jeremy Cepeda

39. Taylor Paige Aguon



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Guam EPA Board of Directors Regular Meeting Agenda

Thursday, October 20, 2022 – 4:00 p.m.

Google Meet: <https://meet.google.com/nhd-pxqm-vsc>

Meeting will be live streamed on youtube.com/guamepa

- I. Call to Order
- II. Approval of Agenda
- III. Approval of September 22, 2022 Meeting Minutes
- IV. Administrator's Report
 - Open Burn / Open Detonate Permit Status Update
 - Ordot Consent Decree
 - Bipartisan Infrastructure Law
 - Outstanding Notices of Violation Update
- V. New Notices of Violation
- VI. MCOG Islandwide Cleanup Program
 - Closeout Report for FY21
 - Expenditure Plan Proposal for FY23
- VII. Next Meeting Date and Adjournment

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 MANLÁLA'*

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**Guam Environmental Protection Agency
Board of Directors' Regular Meeting
Thursday, September 22, 2022 at 4pm
Via Google Meet Platform**

MINUTES

- **Call to Order:** Chairman Steven Carbullido called the Board of Director's meeting to order at 4:00 p.m. via the Google meet platform. Roll call was done by Board Secretary, JeanAnn Artero, as follows:

Board Members:

Chairman Steven Carbullido	- Present calling in from Dededo
Vice Chairman Steve Carrara	- Present calling in from Tamuning
Director Steve Hollister	- Present calling in from Agat
Director Moñeka De Oro	- Present
Director Fran Castro	- Present calling in from Saipan
Director Dave Duenas	- Present (late)

**Quorum has been established.*

- **Guam EPA Staff:** Deputy Administrator Michelle Lastimoza, Board Secretary JeanAnn Artero, CAPT. Brian Bearden, Connie Afleje, Nic Lee, Sabrina Cruz-Sablan, Roland Gutierrez, Jesse Cruz
General Public: Jesse J. Chargualaf, Jr.
- **Approval of Agenda:** Director Castro made a motion to approve agenda, seconded by Director Hollister. All voted in favor, zero (0) opposed and motion passed.
- **Approval of August 25, 2022 Minutes:** Director Castro made a motion to approve the minutes, seconded by Director De Oro. All voted in favor, zero (0) opposed and motion passed.
- **Administrator's Report** (provided by Administrator)

ADMINISTRATIVE

- **Personnel:**
 - Agency continues to review resumes and applications for recruitments for **temporary and limited term appointments**. Since last Board Meeting, the agency lost 1 EHS to resignation and will be losing 2 more (temporary) EHSs; 1 IT Tech will be resigning end of September.
 - Staff continue GovGuam mandatory ethics training pursuant to Guam PL 36-25.

- Additional staff completed their Hazardous Waste Operations and Emergency Response (HAZWOPER) training for emergency response
- **Budget/Procurement:**
 - Senator Perez's floor amendment to FY23 budget act was passed on August 23:
 - Guam EPA – Increased appropriations by \$470,574 to increase regulatory capacity through the hiring and retention of employees, training, purchasing of equipment, supplies, and services to support enforcement actions, and for increasing hazard protection.
- **Agency Headquarters:**
 - September 2022: Guam State Historic Preservation Officer sends concurrence to Guam EPAs Section 106 (National Historic Preservation Act) determination of “no adverse action” concerning the design portion of our Capital Improvement Project funded by the US DOI on the basis the US EPA is the lead on critical removal action and collaboration on reporting any historical properties found during the cleanup and survey of the subject property.

POLICY

- **Bill 284-36(LS)** – Public Hearing took place on May 11 and committee report is being drafted for introduction into the next legislative session.
 - Guam EPA Administrator submitted written testimony in support of Bill 284-36(LS)
 - Bill highlights include:
 - Implementation of a Zero Waste Grant Program
 - GWSA reimbursement of up to \$400K for residential recycling program
 - Changes to planning and administration of the RRF
 - Administrator can expend up top 10% of the fund for:
 - ❖ Operational costs directly related to recycling and zero waste for the Solid Waste Management Program, which includes but not limited to personnel, supplies, equipment, training of staff;
 - ❖ Compliance training for prospective recipients of Recycling Revolving Funds;
 - ❖ Implementation of a zero waste and recycling program for government and the community in accordance with this Article
 - Additional reporting requirements to the board and board approvals with fund expenditures
 - Agency must promulgate rules and regulations for the Guam Zero Waste Act
 - All monies in Recycling Revolving Fund are hereby appropriated, and shall continue to be deemed appropriated (recycling/ non-lapsing), to the Guam Environmental Protection Agency to be expended in accordance with this Article
 - RRF becomes non-lapsing
 - Bill to be presented during the legislative session on September 23, 2022

- **Guam EPA working with the Administration, Attorney General, and Legislature on issues related to septic system permitting**
 - Guam Association of Realtors (GAR) has raised an objection to existing GEPA policy (since at least 1997) which allows exemptions from one-half acre minimum lot size for unsewered “parental subdivision” lots only, which are allowed to be as small as 9,600 square feet (roughly one-quarter acre). This stems from GEPA putting a hold on a small number of permits this year (2 or 3) for failure to provide land documentation showing that they were parental lots. The lots were instead what are called decedent lots - in which the original owner has died, and the court distributes the lots to their decedents.
 - A significant component of the GAR’s complaint is GEPA’s current policy to adhere to the 1997 lot size memo while awaiting a legal opinion from the Office of the Attorney General, which was requested in 2019. The question asked by GEPA was whether the land laws overrule environmental rules, in this case the Guam Water Quality Standards, which sets the half-acre requirement. The GAR is of the opinion that GEPA’s decision to allow continued permitting of one-quarter acre parental lots only is an unfair policy because it does not take into account the decedent lots.
 - GEPA has been in consultation with Senator Sabina Perez on potential legislation she is working on which would amend the Toilet Facilities and Sewage Disposal Act in a number of ways.

PROGRAMS/ PROJECTS:

- **Agency Participates in American Water Works Association (AWWA) Conference**
 - Held at the Dusit Thani from August 31 – September 2
 - Theme of the conference: “Investing in Our Islands’ Waters”
 - Featured presentations from industry experts in water and wastewater management, including:
 - Julie Mendoza, Guam EPA EHS 2 with SDW who presented on:
 - Lead and Copper Rule Revisions and upcoming requirements for public water systems
 - Capt. Brian Bearden, PE, Guam EPA Chief Engineer who co-presented on the management of septic systems in island aquifers
- **Agency Participated in Tabletop Exercise for Catastrophic Oil Spill Response with Exxon-Mobil – September 13-15**
 - Held at the Hilton
 - Included ISCs and JIC exercises in the event of a major product release at Apra Harbor following a major earthquake
 - TTX of this scale occurs every 3years
 - Participants included USCG, local and federal officials and Exxon-Mobil Singapore and other international partners involved in a spill response

- **US EPA Pacific Islands Environmental Directors Meeting – Sept. 12-15**

- The Pacific Islands Environmental Directors meeting is
- Jesse Cruz presented on abandoned derelict vessels
- Capt. Brain Bearden presented a segment called “Science Priorities in the Pacific Islands”

- **Permitting**

- WALTERS (digital system) permits so far this FY: 1,132
- Average building permit approval time for FY22: 13 days
- Average grading permit approval time for FY22: 15 days
- Regulation time frame for approval is 30 working days, or about 6 weeks/42 calendar days.
- Average occupancy permit approval time for FY22: 8 days
- Military (MILCON) permits remain a challenge due to rapidly increasing project count and shortage of review staff (engineers). Discussions are on-going with DOD regarding resources to support increasing permitting and inspection load.
- Not all permit types are processed digitally yet. Occupancy permits transitioned to fully digital during Q3 FY22. Operator Certifications are being transitioned now. UIC permits to transition FY23.
- Water Division permitting actions so far this FY: 1,360. See Water Division permitting actions chart by month for detail. Peak permitting load was in May, but overall permits are up significantly compared to previous two years.

- **MCOG Updates: As of September 22, 2022**

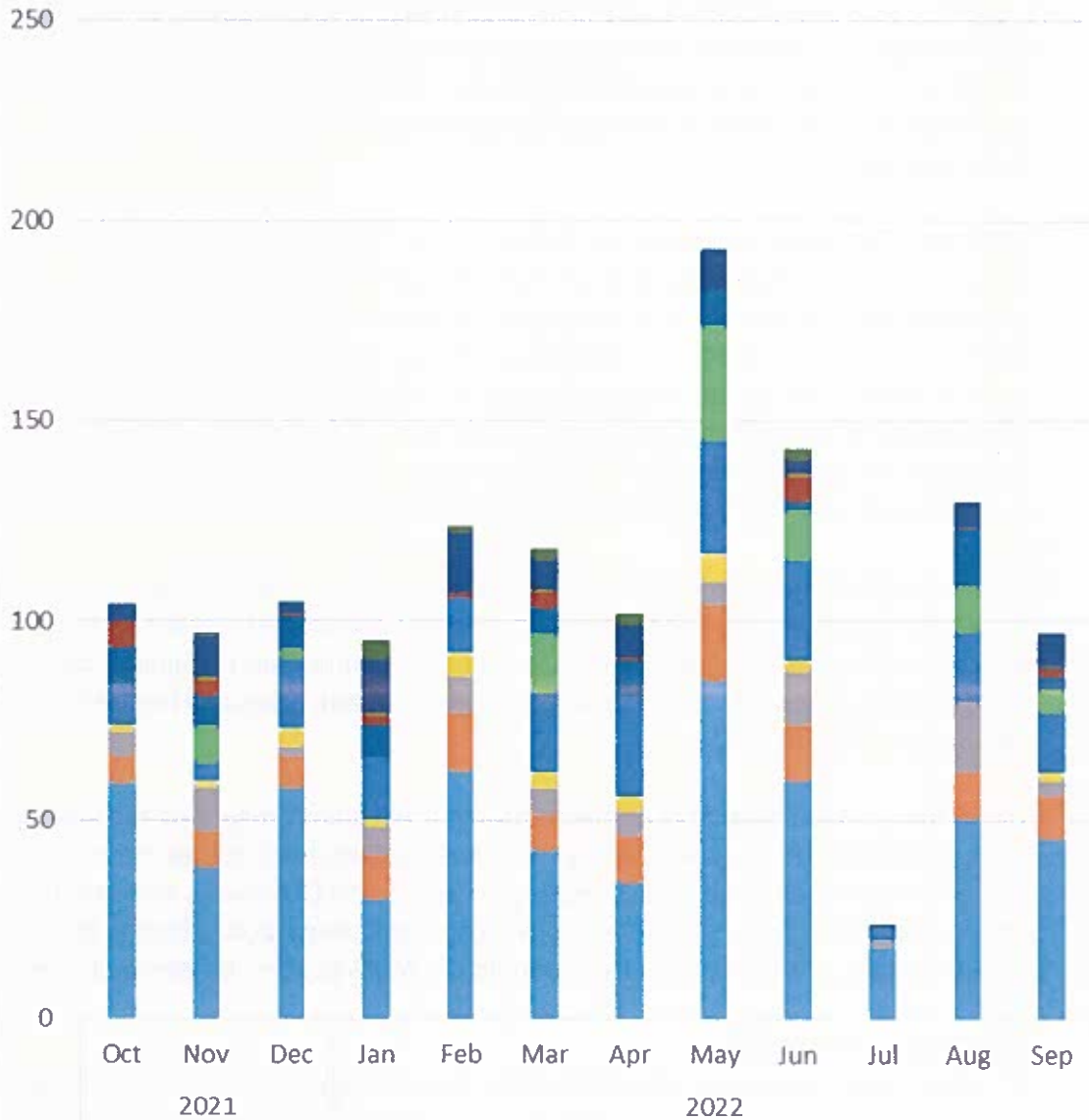
MATERIAL	AMOUNT	QUANTITY
AV COLLECTION	\$22,100.00	144
AV PROCESSING	\$44,500.00	178
WHITE GOODS	\$15,949.00	215 R 30F 43WH
TIRES	\$3,784.00	473
GREEN WASTE	\$13,480.00	430 CY
LOOSE METALS	\$21,960.00	580 CY

YTD INVOICES	\$651,157.00
AV Collected	1,412
White Goods	972
Green Waste	707 CY
Loose Metals	698 CY
Tires	826

**Public Law 36-107 (Budget) authorizes 1.5 million to the MCOG from the RRF, but is subject to approval of the Board for the MCOGs expenditure plan.

Count of Permit type

GEPA Water Division Permitting Load, FY 2022



Permit type

- building
- MILCON
- opcert renewal
- well driller cert
- grading
- occupancy
- UIC
- well drilling
- H2
- opcert new
- wastewater disposal
- well operation

Years Date

Chairman Carbullido opened the floor for the Board to pose any questions they have about the explanation of the MCOG update. Director Fran Castro states she doesn't have any questions, rather, a concern: she requested for these statistics to be shared to the Board of Directors to review. Director Hollister questioned the Deputy for the reasons the staff resigned. The Deputy replied that the Guam EPA has been a wonderful stepping stone for career advancement confirming that 2 former staff have resigned to advance in careers off-island; the other resignation was due to an emergency; another was based on personal reasons. She welcomed any suggestions from the Board, and the agency is open to reviewing resumes and applications from applicants.

Chairman Carbullido requested the status on the FY21 RRF. Deputy Lastimoza states the FY21 RRF has not been closed out as of yet, Sabrina confirmed. Sabrina mentions her contact with Mr. Angel Sablan with the MCOG in attempts to discuss FY22 as Guam EPA doesn't recommend moving forward as FY21 hasn't reached a closeout. Mr. Sablan is currently off-island and will get back to Sabrina during the week of October 3, 2022; he requests to be added to the agenda for the October Board of Directors Meeting. Chairman Carbullido advises that it's best to closeout FY21 prior to the beginning of FY23. He also shares that the MCOG can send their spending plan a week in advance compared to the typical submission 10 minutes prior to Board Meetings.

Chairman Carbullido asks if Guam EPA has looked into the Zero Waste Fund Law, or if comments have been provided regarding the continuation of the program, or if new rules and regulations are to be formulated. Deputy Lastimoza chimes in stating that the agency has 30 days to initiate rules and regulations for the Zero Waste Grant Program. Language has been removed so as to avoid rebranding the RRF.

Chairman Carbullido inquires on the following proceedings regarding the agency's headquarters after receiving SHPO's letter. Deputy Lastimoza replied that the Department of Agriculture has also submitted their biological survey report and Guam EPA awaits approval to move forward. She further states that Guam EPA is looking to begin preparations for the RRF for the architectural and engineering design should the NEPA process be deemed complete.

➤ New Notices of Violation

- J755 Urban Range Project – CAPT. Brian Bearden was not at liberty to explain further as an appeal has been filed. Guam EPA issued an NOV to CHK; Andersen South: vehicle maneuvering range, grenade training range, urban combat training area, indoor shoot house, and a few other activities. Basis for the NOV is constructing without full permission and completion of the design review process. The matter is under review by the Board's Hearing Officer.
- Primo's Heavy Equipment – Hearing Officer is coordinating with the attorneys.
- Samsung – Hearing Officer is coordinating with the attorneys.
- JJ Pacific Development – Guam EPA Legal Counsel in progress with paperwork to support closeout

- Lin's Hardware – Agency to conduct follow-up inspection to see if products are still available
- GPPC, Inc. (Crown Plaza project) – Agency to conducted follow up inspection, closeout.
- Upper Tumon Property – Currently under investigation
- Old Royal Palm Garage update – Agency to conduct follow up inspection
- Verona – Pending further contact with new owner
- Cardona – Compliance inspection scheduled for October 20, 2022
- UMS Hardfill Facility in Mangilao (SWMP) – Penalty has been issued: \$27,000.00. Pending payment that is due October 27, 2022
- Royal Palm Parking Garage – Cleanup underway
- **Ground Water Protection Zone Map Update:** Dr. Jensen has a graduate student working on a project that proposes updates to the map. Tentative completion around May or June of 2023. At that point, recommended updates to the map can be made. Changing the map in its entirety is a process requires a public comment period.

New Meeting Date/Adjournment:

Next meeting was set for October 20, 2022 at 4pm. Director Hollister made a motion to adjourn meeting and seconded by Director Castro. All voted in favor, zero opposed, and regular meeting adjourned around 4:40 p.m.

JeanAnn Artero
Board Secretary

GUAM EPA RRF

	Annual Appropriation account	FY23 PROJECTS	ENCUMBERED	EXPENDITURES	BALANCE
SALARIES	Operational Cost	45,014.00	45,014.00	865.60	44,148.40
BENEFITS		17,077.00	17,077.00	319.72	16,757.28
CONTRACTUAL:					
	Contract for Professional Services to Promote Recycling	100,000.00	-	-	-
	Contract for Professional Services to develop and implement in	300,000.00	-	-	-
	Recycling Industry Economic Stimulus Program	500,000.00			-
	Mayor's Council of Guam Island-wide Environmental Cleanup	1,500,000.00	-	-	-
	Program to start the beginning of FY2023 increments to follow upon request. Not to exceed 1.5M				
Total Amount approved by Legislature:		\$2,776,824.00	2,462,091.00	1,185.32	314,733.00

ACCOUNT EXPIRES 9/30/2023

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

ACCOUNT EXPIRES 9/24/2024

	Fiscal Year 2023 Revenue	As of	
Recycling Fees	97,003.25		10/14/2022

MAYORS' COUNCIL OF GUAM – RECYCLING REVOLVING FUND

FY23 EXPENDITURE PLAN

\$1.5 MILLION

ABANDONED/JUNK VEHICLES	\$624,000
TIRES (WITH OR WITHOUT RIMS)	\$200,000
WHITE GOODS (Refrigerator, Stove, Water Heater, Freezer, Washer, Dryer).....	\$200,000
ELECTRONICS (Computer, TV, Radio, Microwave, Monitor, Fan).....	\$ 38,000
GREEN WASTE (Untreated Lumber, Tree Cutting, Plant Debris).....	\$ 38,000
EQUIPMENT RENTAL (Trailer, Dump truck, Backhoe, Boom Truck, Metal Bin).....	\$400,000
TOTAL:	\$1,500,000

These amounts may change based on the necessity to address areas where more or less funding is needed.

It is our plan to collect the allowable recyclables in to fit with the individual villages need to place priorities on what needs to be collected first. This would allow our mayors to make viable plans on how they want to tackle the recyclables in their villages and make proper scheduling and arrangements. It would also provide for a more systematic approach to the collection based on the needs of the villages.

We will commence in FY23 November after all plan approvals and funding sources are in place.

Purchase Orders will be issued in varying amounts depending on village needs and amounts of recyclables. The Purchase Orders will range from a minimum of \$5000 to a maximum of \$75,000 per village per category. It is also our plan to issue Purchase Orders in the maximum amount allowed for Abandoned/Junk Vehicles for Dededo, Yigo, Barrigada, and Mangilao where data shows that their need to collect is always higher than their allowed amounts.

Accountability and reporting requirements will be as mandated by the MCoG-GEPA Memorandum of Agreement.

While we understand that there needs to be a close-out of the FY22 accounts, we would like to request that we handle the initial release of the FY23 appropriation in the same manner we did for the initial release of the FY22 funds. We would like to request that a total of \$1,000,000 be

released and the release of the balance of \$500,000 be held until a review of expenditures for the initial release is made half way through the year.

Your support is greatly appreciated.