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DISTRICT COURT OF GUAM

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CLERK OF COURT

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Office of the Speaker
Judith T. Won, Ph.D.

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Attorneys for the Government of Guam

**UNITED STATES DISTRICT COURT
TERRITORY OF GUAM**

UNITED STATES OF AMERICA) CIVIL CASE NO. 02-00022

Plaintiff,

vs.

GOVERNMENT OF GUAM,

Defendant.

**SUPPLEMENTAL
GUAM ENVIRONMENTAL
PROTECTION AGENCY
MONTHLY
PROGRESS REPORT**

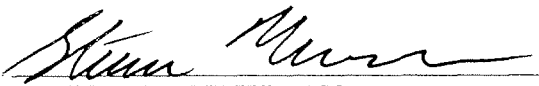
The Guam Environmental Protection Agency (Guam EPA), by and through the Office of the Attorney General, files the attached Supplemental Monthly Report with attachment thereto, pursuant to the Consent Decree Order (*see* Docket No. 330), dated January 14, 2009, the Consent Decree Order (*see* Docket No. 357), dated February 12, 2009, and the Consent Decree Order: "ORDER RE: STATUS HEARING" dated March 6, 2009 (*see* Docket No. 374).

1 The attached report outlines the progress on the permitting process for the RCRA
2 Subtitle D compliant Municipal Solid Waste Facility (MSWL) at Layon.

3 Respectfully submitted this 3rd day of August, 2009.

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OFFICE OF THE ATTORNEY GENERAL
Alicia G. Limtiaco, Attorney General of Guam

By: 
STEVEN M. NEWMAN
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Guam EPA Monthly Report

Layon Solid Waste Management Permitting Process

BACKGROUND

Pursuant to the Consent Decree Order (*see* Docket No. 357), dated February 12, 2009, the Guam Environmental Protection Agency (Guam EPA) hereby submits its monthly report outlining the progress in the permitting process for a RCRA Subtitle D compliant Municipal Solid Waste Landfill Facility (MSWL) at Layon.

The highlight of events following the issuance of the aforementioned *Order*, ending July 2009, is as follows:

1. Source of Funding for a Technical Consultant

a) **CNMI Technical Support**

Guam EPA committed its federal technical support funding so that all costs related to air fare and per diem for Mr. Bearden will be covered through the *USEPA-Guam EPA Interagency Agreement; FY09-13 Technical Assistance to the Territory of Guam*.

During July 15 and 16, 2009, Mr. Brian Bearden was able to review and comment on the draft permit and response to final comments. He also participated in the Layon LF inspections, Inarajan WWTP visit and the power point presentation by the *Receiver's* consultants for the Leachate Treatability Study.

b) **ASTSWMO Technical Support**

No activity to report in July.

c) **USEPA, Region VI**

No support needed in July.

2. Source of Funding for Contract Support

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To date, the Guam Environmental Protection Agency has identified the following sources to support the environmental technical assistance needed in meeting the timelines set forth by the Consent Decree:

a) **2009 IAG Funding**

No activity to report in July.

b) **Guam EPA Request for Proposal (RFP) and Scope of Work (SOW) for technical support for permitting (solid waste and air)**

No activity to report in July.

c) **USEPA, Region IX Superfund Technical Support**

No activity to report in July.

d) **Civil Case No. 02-00022, District Court of Guam, Document 464, Filed July 15, 2009**

States the "The Guam Environmental Protection Agency is hereby directed to file a request detailing its budgetary need for additional funds in order to work on specific Consent Decree Projects. Said request shall be filed by 12:00 noon, July 29, 2009."

Request was submitted by the Agency on July 29, 2009, before 12:00 noon.

3. Other Needs

In preparation for permitting-related activities, Guam EPA has been evaluating its current funding sources to secure the needs delineated below.

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a) **Public Notice Publications** – Printed advertisements for both air and solid waste permits for the Layon MSWL. Approximately two-thousand dollars (\$2,000) needed.

During this month, Guam EPA identified and allocated \$700 from its resources to fund this need;

b) **Printing** – Photocopying, binding, and e-copies of draft permits (air and solid waste) and supporting documents for public review at 4 anticipated repositories. Approximately one-thousand five-hundred dollars (\$1,500) needed.

During this month, Guam EPA identified and allocated \$1,500 from its resources to fund this need;

c) **Recording and Transcription** - Procurement of professional services for recording and transcription of public comments during town meeting. Approximately two-thousand five-hundred dollars (\$2,500) needed.

The *Receiver* has verbally committed to procure this service;

d) **Facilitator** - Procurement of professional services for a facilitator to conduct the projected Town Meeting.

During this month, Guam EPA has been coordinating with USEPA's Waste Management Division on the specific needs and potential meeting dates. It is our understanding that Ms. Vicki Rosen has been confirmed as the facilitator/community relations representative; and

e) **EPA Technical Support** - Technical support travel to Guam for Karen Ueno and other key staff to attend Town Meeting has been confirmed by the Agency.

During this month, Guam EPA continued its coordination with USEPA on the travel dates for the Meeting.

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f) **Guam EPA Change in Resources**

No activity to report this month.

4. Monthly Reports. - The details of the permitting progress are described in the Chart below.

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PERMITTING PROCESS ACTIVITIES	ACTION DATE ¹	AMENDED DATE ²	AMENDED DATE ³	EXPLANATION/PROGRESS
Permitting Start Date	15-Jan-09	Same	Same	
DEQ Technical Consultant (Funding through USEPA-Guam EPA Interagency Agreement; FY09-13 Technical Assistance to the Territory of Guam)	N/A	N/A	N/A	COMPLETED
Contractual Technical Support	N/A	N/A	N/A	
Conclude Completeness Review	17-Feb-09	17 Feb 09	17 Feb 09	COMPLETED - 13 Feb 09 – Completeness letter issued.
Conclude Technical Review	17-Mar-09	29 Apr 09	29 Apr 09	<p>COMPLETED – Contractor correcting deficiencies cited since Mar 09.</p> <ul style="list-style-type: none"> • 03 June 2009 – Met with the consultant to discuss Book 4 of the May 22, 2009 submittals.

¹ Consent Decree Order, Case 1:02-cv-00022 (see Docket No. 357), dated February 12, 2009

² Consent Decree Order, Case 1:02-cv-00022 (see Docket No. 391), dated February 24, 2009

³ Consent Decree Order, Case 1:02-cv-00022, (see Docket Nos. 444/446), dated May 27, 2009

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PERMITTING PROCESS ACTIVITIES	ACTION DATE ¹	AMENDED DATE ²	AMENDED DATE ³	EXPLANATION/PROGRESS
				<ul style="list-style-type: none"> • 03 June 2009 - Inarajan WWTP and Layon LF site visits with USEPA. • 05 June 2009 – Conference call with USEPA, <i>Receiver</i> and Consultant to discuss the submittal and preparation for the public comment period. • 05 June 2009 – Coordination meeting with Guam EPA section heads and the consultant for permitting of access road, sewer line, entrance facilities and cells I & 2, permit application will be in two packages. • 26 June 2009 – Technical conference call with the <i>Receiver</i>, Guam EPA, USEPA, and the <i>Receiver's</i> consultants re. Leachate Treatability Studies. • 30 June 2009 – Conference call with USEPA re. Public comment period schedules and response to comments. • 30 June 2009 – Clearing and Grading inspection to respond to Senator Respicio's concerns. • 01 July 2009 – Conference call with USEPA re. Leachate Treatability Study and Public Comments period schedule. • 07 July 2009 – TGE picked up Books 1 thru 5 to update final information based on comments. • 08 July 2009 – Technical conference call with the <i>Receiver</i> to discuss Leachate Treatability Study. • 10 July 2009 – Received updated Books 1, 2, 3B, 4, and 5; Book 3A and Drawing Set were received on July 13, 2009. • 15 July 2009 – District Court Hearing (AM) and Layon LF inspection with the District Court Judge. • 16 July 2009 – Power point presentation by Brown and

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PERMITTING PROCESS ACTIVITIES	ACTION DATE ¹	AMENDED DATE ²	AMENDED DATE ³	EXPLANATION/PROGRESS
				Caldwell for Leachate Treatability Study with GWA and the Receiver (in call)
<i>Review of USEPA/Guam EPA Response to 90% Pre-Final Design (June 2006)</i>	N/A	N/A	N/A	<i>See Issue Letter of Technical Adequacy</i>
<i>Hydrogeological Report - Compliance with Article 5 of SWDRR</i>	N/A	N/A	N/A	<ul style="list-style-type: none"> 26 June 09 – Guam EPA receives comments (dated 25 Jun 09) of technical deficiencies via email from USEPA (K. Ueno) re. Groundwater Monitoring. Advance copy of comments subsequently transmitted via email to the Receiver (C. Lund) on 29 June 09.
<i>Review of updated Design</i>				<i>See Issue Letter of Technical Adequacy</i>
<i>Review of Construction Quality Assurance and Management Plan</i>				<i>See Issue Letter of Technical Adequacy</i>
<i>Review of Operation Plan</i>				<i>See Issue Letter of Technical Adequacy</i>
<i>Review of Closure Design and Closure Plan</i>				<i>See Issue Letter of Technical Adequacy</i>
Issue Letter Of Technical Adequacy	31-Mar-09	29 Apr 09	29 Apr 09	COMPLETED <ul style="list-style-type: none"> During this month, Guam EPA and USEPA continued its review of the amended submittals received during July 10 and 13, 2009 from TG Engineers.

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PERMITTING PROCESS ACTIVITIES	ACTION DATE ¹	AMENDED DATE ²	AMENDED DATE ³	EXPLANATION/PROGRESS
				<ul style="list-style-type: none"> 31 July 09 – Guam EPA issued a <i>Letter of Technical Adequacy</i> to the <i>Receiver</i>.
Issue Draft Permit	29-Apr-09	29 May 09	31 Jul 09	<ul style="list-style-type: none"> 11 May 09 – Guam EPA transmits via email 50% completion of draft permit to USEPA. 5 June 09 – Guam EPA transmits via email Fact Sheet to USEPA for review and comment. 9 Jun 09 – Guam EPA transmits via email copy of PDN Layon Landfill illustration (23 Feb 09) to USEPA for Fact Sheet development. 31 Jul 09 – Pending submittal of Technical Adequacy response.
<i>Publish Public Notice – Initiate Public Comment Period</i>	29-Apr-09	29 May 09	31 Jul 09	<ul style="list-style-type: none"> 29 June 09 – Guam EPA submits draft Public Notice advertisement to USEPA for review and comment. June 09 – Confirmation on repository locations for the draft permit secured for the RFK Library (University of Guam), Guam's main public library (Nieves Memorial Library), Inarajan Mayor's Office, and Guam EPA Main Office.
<i>Conduct Public Hearing</i>	May or Jun-09	May 29-Jul 13, 09	Aug-Sep 09	
<i>Public Comment Period Concluded</i>	15-Jun-09	13 Jul 09	18 Sep 09	
Issue Notice Of Decision	19-Aug-09	27 Aug 09	20 Nov 09	

In conclusion, Guam EPA reaffirms its commitment to continue to meet the Court's deadlines.

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Dated this 31 day of July, 2009.

GUAM ENVIRONMENTAL PROTECTION AGENCY

By:



LORILEE T. CRISOSTOMO

Administrator