



OFFICE OF THE GOVERNOR
GUAM

Refer to
Legislative Secretary

JUL 01 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Office of the Speaker
ANTONIO R. UNPINGCO

Date: July 1, 1999

Time: 10:20

Rec'd by: [Signature]

Print Name: Jack

DS25/99-0198

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 226 (COR), "AN ACT TO CREATE SEVEN CRITICAL FULL-TIME EMPLOYEE POSITIONS WITHIN THE GUAM ENVIRONMENTAL PROTECTION AGENCY", which was enacted into law without the signature of the Governor. It is now designated as **Public Law No. 25-63**.

Very truly yours,

Madeleine Z. Bordallo
Madeleine Z. Bordallo
I Maga'lahaen Guåhan, Akto

Acting Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By [Signature]
Time 3:25 pm
Date 7-1-99

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

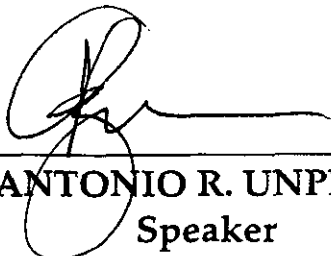
cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00344

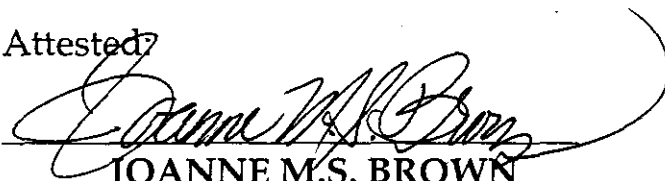
MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

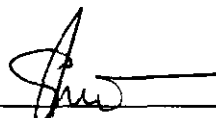
This is to certify that Substitute Bill No. 226 (COR), "AN ACT TO CREATE SEVEN CRITICAL FULL-TIME EMPLOYEE POSITIONS WITHIN THE GUAM ENVIRONMENTAL PROTECTION AGENCY," was on the 17th day of June, 1999, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 18th day of June, 1999,
at 5:50 o'clock P..M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

MADELEINE Z. BORDALLO

Akto I Maga'lahaen Guahan
Acting Governor of Guam

Date: July 1, 1999

Public Law No. 25-63

*Became law without the signature of
I Maga'lahaen Guahan, the Governor
of Guam.*

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 226 (COR)

As substituted by the Committee
on Natural Resources and further
substituted on the Floor.

Introduced by:

J. M.S. Brown
J. C. Salas
C. A. Leon Guerrero
L. F. Kasperbauer
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
E. B. Calvo
M. G. Camacho
Mark Forbes
A. C. Lamorena, V
K. S. Moylan
V. C. Pangelinan
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO CREATE SEVEN CRITICAL FULL-TIME
EMPLOYEE POSITIONS WITHIN THE GUAM
ENVIRONMENTAL PROTECTION AGENCY.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* has
3 determined that certain employee positions, which were formerly authorized for
4 the Guam Environmental Protection Agency ("GEPA") were repealed by §§21(a)
5 and (b) of Chapter V of Public Law Number 25-03. *I Liheslaturan Guåhan* has
6 further determined that these positions are critical to the administration of the

1 Solid Waste Management Program, the Hazardous Waste Management Program,
2 the Air Pollution Control Program, the Water Pollution Control Program, the Safe
3 Drinking Water Program and the Water Resources Management Program.

4 The creation of said positions will enable GEPA to obtain the necessary
5 delegated authorization status to implement the Resource Conservation and
6 Recovery Act ("RCRA"), Subtitle D (Solid Waste), to expedite the closure and post
7 closure plans for the Ordot Landfill and immediately open a new landfill as this
8 body has previously determined to be absolutely imperative, and to obtain the
9 delegated authorization needed to implement Title V of the Clean Air Act
10 ("CAA") to avoid Federally imposed fees for power generating facilities.

11 *I Liheslaturan Guåhan* further determines it is critical to protect the Northern
12 Aquifer from pollutants and contaminants through the implementation and
13 enforcement under the Water Pollution Control Program and the Safe Drinking
14 Water Program, and to further protect Guam's water resources through
15 monitoring existing and new water wells being developed on Guam.

16 *I Liheslaturan Guåhan* further determines that the staffing of these programs
17 is necessary for Guam to be in compliance with the Federal sewer construction
18 grants program, the National Pollutant Discharge Elimination System ("NPDES")
19 Program, contained within Title 40 C.F.R. §239.10 and Title 40 C.F.R. §§257(B) and
20 (D), as authorized by the RCRA, the Clean Air Act and various other Federal
21 environmental laws.

22 **Section 2. Funding.** All positions contained in this Act shall be funded
23 from the Three Hundred Sixty Million Nine Hundred Forty-five Thousand Eight
24 Hundred Seventy-two Dollars (\$360,945,872) appropriated from the General
25 Fund by §1 of Chapter II of Public Law Number 25-03, for Executive Branch

1 operations for Fiscal Year 1999.

2 **Section 3. Establishment of Seven GEPA Positions.** The following
3 positions shall be established for GEPA:

4 (1) Environmental Health Specialist III position for the Solid Waste
5 Management Program;

6 (2) Environmental Professional Engineer position, who shall be an
7 environmental specialist with solid waste management experience to serve
8 under the Air and Land Division administered by GEPA, as previously
9 mandated by Public Law Number 24-304:5;

10 (3) Environmental Health Specialist III position to be employed in
11 the Air Pollution Control Program administered by GEPA;

12 (4) Environmental Engineer I position to be employed in the Air
13 Pollution Control Program administered by GEPA;

14 (5) Engineer II position to be employed in the Water Pollution
15 Control Program administered by GEPA;

16 (6) Engineer II position to be employed in the Water Resources
17 Management Program administered by GEPA; *and*

18 (7) Engineer II position to be employed in the Safe Drinking Water
19 Program administered by GEPA.

20 For positions (1) and (2), *above*, the first priority will be to address and
21 pursue the closure and post-closure of the Ordot Landfill and the opening of a
22 new landfill.

23 GEPA shall fill these positions as soon as it reasonably can and the
24 positions shall *not* be underfilled or downgraded to lower position levels.

25 Furthermore, GEPA shall *not* hire limited term appointments or temporary

1 appointments to fill these positions.

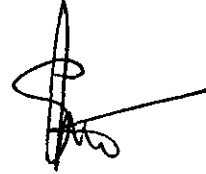
2 **Section 4. Severability.** *If* any provision of this Law or its application
3 to any circumstances is found to be invalid or contrary to law, such invalidity
4 shall *not* affect other provisions or applications of this Law which can be given
5 effect without the invalid provisions or application.



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

June 18, 1999

COPY

 6/18/99

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 226(COR), 228(COR), 230(COR), 234(COR) and 235(COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on June 17, 1999.

Sincerely,



JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (5)


MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

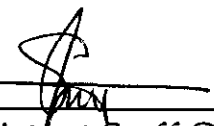
This is to certify that Substitute Bill No. 226 (COR), "AN ACT TO CREATE SEVEN CRITICAL FULL-TIME EMPLOYEE POSITIONS WITHIN THE GUAM ENVIRONMENTAL PROTECTION AGENCY," was on the 17th day of June, 1999, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 18th day of June, 1999,
at 5:50 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 226 (COR), "AN ACT TO CREATE SEVEN CRITICAL FULL-TIME EMPLOYEE POSITIONS WITHIN THE GUAM ENVIRONMENTAL PROTECTION AGENCY," was on the 17th day of June, 1999, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this _____ day of _____, 1999,
at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/17/99

VOTING SHEET

Bill No. 226

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					—
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

June 11, 1999
(DATE)

FILE

Memorandum

To: Senator JOANNE M.S. BROWN

From: Clerk of the Legislature

Subject: Report on Bill No. 226 (COR)

Copy

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 226 (COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.

Josephine Brennan-Badley
Josephine Brennan-Badley

Attachment

ACKNOWLEDGED
RECEIVED
3:57 PM
June 11, 1999
Josephine Brennan-Badley

Guam Legislature Speaker's

Antonio B. Won Pat – First, Second, Fourth, Fifth, Sixth and Seventh

Francisco Leon Guerrero – Third

Carlos P. Taitano – Eighth

Joaquin C. Arriola – Ninth and Tenth

Florencio T. Rameriz – Eleventh and Twelfth

Joseph F. Ada – Thirteenth and Fourteenth

Thomas V. c. Tanaka – Fifteenth and Sixteenth

Carl T.C. Gutierrez – Seventeenth and Eighteenth

Franklin J.A. Quitugua – Nineteenth

Joe T. San Agustin – Twenty, Twenty First, and Twenty Second

Don Parkinson – Twenty Third

Antonio Reyes Unpingco – Twenty fourth, Twenty Fifth and Twenty Sixth

Vicente c. pangelinan- Twenty Seventh

Mark Forbes – Twenty Eight

Mark Forbes – Twenty Nine



Office of Senator
Joanne M. Salas Brown
MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

June 10, 1999

Speaker Antonio R. Unpingco
Mina' Bente Singko Na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

Dear Speaker Unpingco:

The Committee on Natural Resources, to which was referred, Bill No. 226- An Act to Create Eight Critical Full-Time Employee Positions Within the Guam Environmental Protection Agency wishes to report back to the Legislature its recommendation **TO DO PASS as substituted.**

The voting sheet is as follows:

TO PASS	<u>9</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are enclosed.

Thank you for your attention to this matter.

Sincerely,

JOANNE M. S. BROWN
Senator

Enclosures



Office of Senator
Joanne M. Salas Brown
MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

June 10, 1999

MEMORANDUM

To: Committee Members

From: Chairperson, Committee on Natural Resources

Subject: Bill No. 226 (COR) - An Act to Create Eight Critical Full-Time Employee Positions Within the Guam Environmental Protection Agency. (As substituted)

Transmitted herewith for your consideration and action is our Committee Report on Bill No. 226 (COR) - An Act to Create Eight Critical Full-Time Employee Positions Within the Guam Environmental Protection Agency as substituted.

Please indicate your choice on the attached Voting Sheet and return the documents to my office for transmittal to the other members.

Should you have any questions on the narrative report or the accompanying documents, please do not hesitate to contact me at 472-3450/51.

Your attention and cooperation on this matter is greatly appreciated.


JOANNE M. S. BROWN

Attachments



Office of Senator

Joanne M. Salas Brown

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

Committee on Natural Resources

Joanne M.S. Brown

Chairperson

VOTING SHEET

Bill No. 226 (COR) - An Act to Create Eight Critical Full-Time Employee Positions Within the Guam Environmental Protection Agency. (As substituted)

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE	SIGNATURE
Joanne S. Brown Chairperson	✓				
A.C. Lamorena Vice Chairman	✓				
A.R. Unpingco Speaker Ex-Officio Member	✓				
C. Leon Guerrero Member	✓				
Larry Kasperbauer Member	X				
Vicente Pangelinan Member	✓				
John C. Salas Member					
Kaleo Moylan Member	✓				
Marcel Camacho Member	✓				
Mark Forbes Member	✓				
Frank B. Aguon, Jr. Member					
Simon Sanchez Member					

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 226 (COR)

As substituted by the Committee on Natural Resources

Introduced by:

J. M. S. Brown

**AN ACT TO CREATE EIGHT CRITICAL FULL-TIME
EMPLOYEE POSITIONS WITHIN THE GUAM
ENVIRONMENTAL PROTECTION AGENCY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* has

determined that certain full time employee positions (FTEs) which were formerly

authorized for the Guam Environmental Protection Agency (GEPA) were repealed

by Public Law 25-03 Chapter V Sections 21(a) and (b). *I Liheslaturan Guahan* has

further determined that these positions are critical to the administration of the Solid

Waste Management Program, the Hazardous Waste Management Program, the Air

Pollution Control Program, the Water Pollution Control Program, the Safe Drinking

Water Program, and the Water Resources Management Program. The creation of said

positions will enable the Guam Environmental Protection Agency to obtain the

necessary delegated authorization status to implement the Resource Conservation and

Recovery Act (RCRA) Subtitle D (Solid Waste) to expedite the closure and post

1 closure plans for Ordot Landfill and immediately open a new landfill as this body has
2 previously determined to be absolutely imperative, and to obtain the delegated
3 authorization needed to implement the Clean Air Act (CAA) Title V to avoid
4 federally imposed fees for power generating facilities. *I Liheslaturan Guahan* further
5 determines it is critical to ensure compliance of underground storage tanks to ensure
6 protection of the Northern Aquifer. Under federal law all underground storage tanks
7 were required to be upgraded by December 21, 1998. There are estimated to be 316
8 underground storage tanks on Guam, of which only 3 have been inspected for
9 compliance in the past year. *I Liheslaturan Guahan* further determines it is critical
10 to protect the Northern Aquifer from pollutants and contaminants through the
11 implementation and enforcement under the Water Pollution Control Program and
12 the Safe Drinking Water Program and to further protect Guam's water resources
13 through monitoring existing and new water wells being developed on Guam. *I*
14 *Liheslaturan Guahan* further determines that the staffing of these programs is
15 necessary for Guam to be in compliance with the federal sewer construction grants
16 program, National Pollutant Discharge Elimination System (NPDES) program, Title
17 40 C.F.R, Section 239.10 and Title 40 C.F.R. 257 Subsections B and D as authorized
18 by RCRA, the Clean Air Act and various other federal environmental laws.

19 **Section 2.** Notwithstanding any other provisions of law, including the fast-

1 track procedures created by Public Law 24-327:11 as amended by Public Law 25-03,
2 Chapter V, Sections 21 (a) and (b), the following sums are appropriated from the
3 Three Hundred Sixty Million Nine Hundred Forty Five Thousand Eight Hundred
4 Seventy Two Dollars (\$360,945,872) appropriated from the General Fund by Public
5 Law 25-03 Chapter II Section 1 for Executive Branch operations for fiscal year 1999.
6 No other source of funding may be used for the purposes of this bill. These positions
7 shall continue as FTE positions for fiscal year 2000 and GEPA shall submit said
8 FTEs in its budget proposal for fiscal year 2000. GEPA shall create and fill these
9 positions as soon as it reasonably can and the positions shall not be underfilled or
10 downgraded to lower position levels.

11 **Section 3.** There is hereby appropriated from the aforementioned sum
12 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03
13 Chapter V, Sections 21(a) and (b) the sum of Thirty Seven Thousand Five Hundred
14 Seventy Dollars (\$37,570) for an Environmental Health Specialist III as an FTE for
15 the Solid Waste Management Program; and the sum of Sixty Seven Thousand Five
16 Hundred Forty One Dollars (\$67,541) for an Environmental Professional Engineer
17 to be employed as FTE and shall be an environmental specialist with solid waste
18 management experience and will serve under the Air and Land Division
19 administered by GEPA as previously mandated by Public Law 24-304:5. The first

1 priority for the employees filling both positions will be to address and pursue the
2 closure and post-closure of the Ordot Landfill and the opening of a new landfill.
3 There is also hereby appropriated from the aforementioned sum appropriated by P.L.
4 24:327:11 as amended by P.L. 25-03 Chapter V, Sections 21(a) and (b) the sum of
5 Thirty Three Thousand Nine Hundred Seventy Two Dollars (\$33,972) for an
6 Environmental Health Specialist II to be employed as an FTE within the Hazardous
7 Waste Management Program. First priority for this position will be to ensure
8 compliance with and enforce the Underground Storage of Hazardous Substances
9 Act and regulations pertaining thereto.

10 **Section 4.** There is hereby appropriated from the aforementioned sum
11 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03,
12 Chapter V, Sections (a) and (b) the sum of Thirty Seven Thousand Five Hundred
13 Seventy Dollars (\$37,570) for an Environmental Health Specialist III and the sum of
14 Thirty Four Thousand Nine Hundred Eighty Dollars (\$34,980) for an Environmental
15 Engineer I to be employed as FTEs in the Air Pollution Control Program
16 administered by GEPA as said positions were previously created by Public Law 24-
17 322:2.

18 **Section 5.** There is hereby appropriated from the aforementioned sum
19 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03,

1 Chapter V, Sections 21 (a) and (b) the sum of Thirty Seven Thousand Five Hundred
2 Seventy Dollars (\$37,570) for an Engineer II to be employed as an FTE in the Water
3 Pollution Control Program administered by GEPA and the sum of Thirty Seven
4 Thousand Five Hundred Seventy Dollars (\$37,570) is appropriated for an Engineer
5 II to be employed as an FTE in the Water Resources Management Program
6 administered by GEPA, and the sum of Thirty Seven Thousand Five Hundred
7 Seventy Dollars (\$37,570) for an Engineer II to be employed as an FTE in the Safe
8 Drinking Water Program administered by GEPA. These programs play a significant
9 role in the conservation and protection of Guam's most valuable water resource
10 against new and existing discharges, contamination, hazardous pollution and over
11 pumping.

12 **Section 6. Severability.** If any provision of this Law or its application to any
13 circumstances is found to be invalid or contrary to law, such invalidity shall not affect
14 other provisions or applications of this Law which can be given effect without the
15 invalid provisions or application.



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

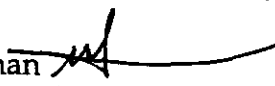
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayuråt*

MAY 26 1999

MEMORANDUM

TO: Chairperson
Committee on Natural Resources

FROM: Chairman 
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 226

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment


received


5-28-99

**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session**

Bill No. 226 (Cor)

Introduced by:

J. M. S. Brown 

**AN ACT TO RE-ESTABLISH SIX CRITICAL FULL-TIME
EMPLOYEE POSITIONS WITHIN THE GUAM
ENVIRONMENTAL PROTECTION AGENCY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* has

determined that certain full time employee positions (FTEs) which were formerly

authorized for the Guam Environmental Protection Agency (GEPA) but which were

repealed by Public Law 25-03 Chapter V Sections 21(a) and (b) should immediately

be re-established because they are crucial to the administration of the Solid Waste

Management Program, the Air Pollution Control Program, and the Water Pollution

Control Program. *I Liheslaturan Guahan* has further determined that the re-

establishment of said positions will enable the Guam Environmental Protection

Agency to obtain the necessary delegated authorization status to implement the

Resource Conservation and Recovery Act (RCRA) Subtitle D (Solid Waste) to

expedite the closure and post closure plans for Ordot Landfill and immediately open

a new landfill as this body has previously determined to be absolutely imperative,

1 and to obtain the delegated authorization needed to implement the Clean Air Act
2 (CAA) Title V to avoid federally imposed fees for power generating facilities. *I*
3 *Liheslaturan Guahan* further determines it is critical to protect the Northern Aquifer
4 from pollutants through the implementation and enforcement of the Guam Water
5 Quality Standards under the Water Pollution Control Program. *I Liheslaturan*
6 *Guahan* further determines that the staffing of these programs are necessary for
7 Guam to be in compliance with the federal sewer construction grants program,
8 National Pollutant Discharge Elimination System (NPDES) program, Title 40 C.F.R.,
9 Section 239.10 and Title 40 C.F.R. 257 Subsections B and D as authorized by RCRA,
10 the Clean Air Act and various other federal environmental laws.

11 **Section 2.** Notwithstanding any other provisions of law, including the fast-
12 track procedures created by Public Law 24-327:11 as amended by Public Law 25-03,
13 Chapter V, Sections 21 (a) and (b), the following sums are appropriated from the
14 Three Hundred Sixty Million Nine Hundred Forty Five Thousand Eight Hundred
15 Seventy Two Dollars (\$360,945,872) appropriated from the General Fund by Public
16 Law 25-03 Chapter II Section 1 for Executive Branch operations for fiscal year 1999.
17 No other source of funding may be used for the purposes of this bill. These positions
18 shall continue as FTE positions for fiscal year 2000 and GEPA shall submit said
19 FTEs in its budget proposal for fiscal year 2000. GEPA shall create and fill these

1 positions as soon as it reasonably can and the positions shall not be underfilled or
2 downgraded to lower position levels.

3 **Section 3.** There is hereby appropriated from the aforementioned sum the
4 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03
5 Chapter V, Sections 21(a) and (b) the sum of \$37,641 for an Environmental Health
6 Specialist III and the sum of \$67,541 for an Environmental Professional Engineer to
7 be employed as FTEs. The employees filling both positions will address and pursue
8 the closure and post-closure of the Solid Waste Management Program plans for the
9 Ordot Landfill and the opening of a new landfill. The Environmental Professional
10 Engineer shall be an environmental specialist with solid waste management
11 experience and will serve under the Air and Land Division administered by GEPA
12 as previously mandated by Public Law 24-304:5.

13 **Section 4.** There is hereby appropriated from the aforementioned sum
14 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03,
15 Chapter V, Sections (a) and (b) the sum of \$37,570 for an Environmental Health
16 Specialist III and the sum of \$34,980 for an Environmental Engineer I to be employed
17 as FTEs in the Air Pollution Control Program administered by GEPA as said
18 positions were previously created by Public Law 24-322:2.

19 **Section 5.** There is hereby appropriated from the aforementioned sum

1 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03,
2 Chapter V, Sections 21 (a) and (b) the sum of \$37,570.00 for an Engineer II to be
3 employed as an FTE in the Water Pollution Control Program administered by GEPA
4 and the sum of \$37,570.00 is appropriated for an Engineer II to be employed as an
5 FTE in the Water Resources Management Program administered by GEPA. These
6 programs play a significant role in the conservation and protection of Guam's most
7 valuable water resource against new and existing discharges, contamination,
8 hazardous pollution and over pumping.

9 **Section 6. Severability.** If any provision of this Law or its application to any
10 circumstances is found to be invalid or contrary to law, such invalidity shall not affect
11 other provisions or applications of this Law which can be given effect without the
12 invalid provisions or application.

Committee on Natural Resources

Senator Joanne M. S. Brown, Chairperson

Public Hearing on Bill No. 226 (COR): An act to re-establish six critical full-time employee positions within the Guam Environmental Protection Agency.

Tuesday, June 8, 1999

9:00 a.m.

Committee Report

The Committee on Natural Resources held a Public Hearing on Bill No. 226 (COR): An act to re-establish six critical full-time employee positions within the Guam Environmental Protection Agency (GEPA) on Tuesday, June 8, 1999, 9:00 a.m. at the Legislative Public Hearing room to address the concerns and issues that are relevant to this Bill. The Senators and Committee Members who were present were as follows:

Senator Joanne M. S. Brown, Chairperson

Senator Carlotta Leon Guerrero

Senator John Salas

Senator Alberto Lamorena V

Senator Joanne Brown commenced the Public Hearing on Bill No. 226 at 9:10 a.m. She asked if anyone would like to present their oral or written testimony. She asked Mr. David Longa, Deputy Administrator of GEPA if he was going to present any written or oral testimony on behalf of GEPA.

Mr. David Longa will not be presenting any written or oral testimony on behalf of GEPA at this time; however, his Administrator, Mr. Jesus Salas will be presenting his testimony as he is currently on his way to the Public Hearing. In the meantime, there are other key personnel with him who can proceed with their testimonies in support of Bill No. 226. He introduced Ms. Conchita Taitano, the Air and Land Administrator and Mr. Jordan Kaye, Chief Planner who will be presenting their testimonies. Ms. Conchita Taitano began her testimony.

Ms. Conchita Taitano thanked the Chairperson of the Committee for her dedication and commitment in addressing the needs of the Air Pollution Control

Program, as well as the Solid Waste Management Program in creating this Bill. She was very appreciative, but at the same time, she would like to take the opportunity to ask if there was a possibility, as there are also problems in other areas, namely the Hazardous Waste Management Program, to create other positions within the Agency. She expressed a concern that there were eight positions originally allocated and of those eight positions, two are currently occupied by classified employees. One is a limited term employee who is to terminate his employment on June 15, 1999. Thus, Ms. Taitano has only one person who is working in Hazardous Waste Management and another person operating the Underground Storage Tanks (UST) division. She further stated that GEPA was in the process of finalizing their work plan. She felt that with one person incorporating all the work for Hazardous Waste, it is not possible to satisfy the Agency's objectives because it cuts down the small quality generator inspections. There are other inspections that need to be done, especially with dry cleaners and other companies that are managing hazardous waste improperly; but, with one person in charge of it all, it is just not possible to conduct quality performance. Furthermore, this particular person has been spending 50% of his time dealing with BRAC and other related issues. Unfortunately, he also suffered a heart attack last week. With regard to the Underground Storage Tank division (UST), she has one person. On December 21st of last year, USEPA required that all owners of UST upgrade their systems. With this requirement, she is sad to report that EPA has not been in compliance because of the lack of manpower. Although EPA receives roughly around \$200,000.00 in grant money for hazardous waste and about \$80,000.00 for UST, GEPA is still operating at less than 50%. Ms. Taitano continued her testimony. For Solid Waste, there are two people, which in reality, she felt, should be ten. One is a Program Director and the other one is an entry level person. She asked that GEPA be given the opportunity to operate at 50%. For the Air Division, she will work with what is given to her and she hopes that the other senators will also support the passing of this Bill.

Senator Brown acknowledged Ms. Taitano's concerns. Having previously worked with her in the past, Senator Brown understood the day to day reality of operations at GEPA. She thanked her for her genuine concern for her division and recognized the passion she has for her work as reflected in her presentation. However, she is not stating in anyway that this piece of legislation that includes the six positions is adequate in any sense to accommodate the needs of the Agency. The Legislature is still awaiting for a formal transmittal from the

administration on critical positions. The Senator has not seen the Governor's transmittal which outlines the critical positions in GEPA. But nevertheless, the Senator took the liberty to proceed and introduce this Bill. She also stated that by creating this Bill, she is opening the door and getting started with what she hopes will serve as a forerunner in assisting GEPA with their needs. In the financial aspect, the projection is not pleasant at all. If the option is to continue, the questions lie on what is more important: who do we take care of, who do we choose, do we continue to hire more people, add to the payroll with the possibility that the work hours may be reduced or that salaries may even be cut? These are not desirable options while recognizing the concern. On the other end, the Senator felt that we all need to be mindful of the fiscal situation of the government of Guam. In spite of the declining revenues and the tough economic times, we are also trying to see as to how these positions can be created so that GEPA can proceed with recruiting and work efficiently together. Unfortunately, the political reality is that GEPA is a small agency and sometimes being a small agency can work against them because there are other bigger agencies out there who may also need help. Other senators may argue that they have agencies, which they chair, that have several hundred employees who also need immediate assistance. So, quantity is sometimes looked at as primary, rather than quality or objectives, which is looked at as secondary. Senator Brown recognized the presence of Senator Carlotta Leon Guerrero.

Mr. Jesus Salas, Administrator of GEPA, apologized for being late. He presented his written testimony on Bill 226. As he read his written testimony to the public (Please see his testimony on Bill No. 226), supporting the bill, he stated that he would like to enhance its purpose by providing further documentation as to the necessity for additional support as the Bill does not fully meet the demands of their mandates. Mr. Salas also presented amendments to the Bill, as well as additions to the Bill that he felt was pertinent:

1. Amend Section 1 to read after the last sentence:

I Liheslaturan Guahan further determines there exists an inequity within the Water Division at GEPA among their counterparts of sister government agencies. The individuals affected have taken on responsibilities at a supervisory level in their individual programs without concurrent compensation. Their dedication to the Agency and their programs are so far-reaching that these individuals still regularly conduct fieldwork even while having to juggle the many tasks required

of a supervisor, including the reviewing and completing of administrative work and reports. Action must be taken now to promote these individuals.

2. Add Section 7 to read as follows:

Section 7. **Promotion.** If the Agency promotes from within, the Agency will not lose the position vacated by the incumbent. Depending on the availability of funds, the Agency is authorized to fill the vacated position.

3. Add Section 8 to read as follows:

Section 8. **Reinstatement of positions:** Twenty-One (21) Positions were authorized for GEPA last year through three (3) public laws to support the I Tanota, Solid Waste Management, and Air Pollution Control Programs. Because of previous actions by the Legislature, Thirty-Four (34) positions were removed, leaving the Agency with only 43% manpower overall to address the administration and enforcement of solid waste collection, solid waste disposal, solid waste management, hazardous waste collection, RCRA inspections, hazardous waste management, underground storage tanks, pesticides, air, radon, environmental review, and Section 401 permits, Section 302 clearance, drinking water, lead ban, well development, water quality, injection wells, clearing and grading, feedlots, and sewage disposal systems concerns on Guam and other programs. Because the quality of the environment promotes and enhances tourism and overall well-being for the people of Guam, priority must be given to provide the optimum number of resources to support this. Therefore, the following list of positions is requested to be reinstated, in order of priority. (Please see the testimony of Mr. Salas for further details on the positions requested.)

He further stated that GEPA's mission is to protect Guam's environment, but without adequate staffing, GEPA will not be able to meet their mandates. He hopes that by creating these positions, they will be readily available when needed.

Senator Brown restated the position of the legislature: Senator Brown and her colleagues will not concur on exempting any agency from what has been policy so far, and that is, as positions become vacant, they will be eliminated automatically. And any new positions that are to be created have to come before the legislature. Moreover, the legislature will be as critical in terms of the management of finances, as well as GEPA's or any other government agency. Senator Brown

reminded them that the legislature also controls the board of autonomous agencies. So any position created must be intended to be filled. She stated that they may even have to look at a budget that is specific, identifying the individuals and their positions, down to their social security numbers. She re-emphasized the critical importance of hiring. Since the Agency was created, it has never been adequately staffed for many reasons. But also there are other government of Guam offices and agencies that are also in dire strait. For example, the University of Guam is close to losing their accreditation if they are not given the authority to hire. The legislature is in a difficult position at this time, because if other agencies were to come before them requesting that certain positions be created, then they are up against each other. Nevertheless, Senator Brown will continue to fight for the Agency.

Mr. Salas asked for the Chairperson's support, in the event the six positions were granted, that GEPA be allowed to hire to replace the individual who was promoted. He would like the language amended in the Bill to state his concern.

Senator Brown responded that they would have to re-address the situation, should that occur. Senator Brown again stated that any position that is vacated will have to be re-created and justified before the legislature. The legislature is waiting for the Governor to send these positions as it has been a couple of months since the legislation was passed. The objectives of the legislation is to ensure that critical hiring and the merit system are met and that there is fair completion for everyone who is qualified for these positions. So any position that is eliminated must be re-assessed in front of the legislative body. That agency should be able to demonstrate that it is within the existing budget of the agency, not requiring additional funding, then perhaps the legislature can work together with a compromise.

Senator Carlotta Leon Guerrero was curious that these positions were not coming through the Governor's office.

Senator Brown responded that under the fast track procedure that was set up through legislation, the Governor can refer the positions, which does not require public hearing.

Senator Leon Guerrero then asked if it's a mandatory step that these positions

have to come through the Governor's office.

Senator Brown said that for the Administration, it does. She further stated her position: In her discussion with GEPA, it was agreed that in eliminating these positions, she would try to re-establish those positions that are viewed as the most critical.

Senator Leon Guerrero also expressed her willingness to fight for the agencies that she has oversight on. It is unfortunate that it is not coming down through the process. In fact, the agencies do not want to channel these positions directly to her because they are fearful of their relationship with the Governor.

Senator Brown responded that she is taking full responsibility for this legislation which she has created, as any senator can do the same.

Senator Leon Guerrero said she is present at the public hearing because she would like to know how this Bill came about. She further added that there are some positions that the Airport Authority also needs.

Senator Brown said that the Chief Justice of the Supreme Court has sent their listing, as a separate branch of government can do, which is the first to be introduced to receive public hearing.

Senator Leon Guerrero described her situation with the autonomous agencies and how tough it is for everybody, most especially the autonomous agencies who have desires to rebel against the hiring restrictions. As such, GEPA is also "being painted with the same broad brush strokes of austerity." Everyone is being held to the same standards, requiring another step, a re-evaluation with new numbers and a better idea of where GEPA is at.

Mr. Salas agreed that it would take five months to hire anyway.

Senator Leon Guerrero said it is a heartbreak for those who are in these difficult positions who care for clean water; who care about the enforcement of air pollution standards; and those who care deeply for the testing of the well of the northern aquifer.

Mr. Salas said that the Agency is placed in this critical position so they have to prioritize their resources in order to meet the mandates, if possible. But again, without the manpower, their objectives would suffer the consequences, which would include having to answer to Region IX since they pay for most of GEPA's budget, the consolidated grant operation. To be exact, they pay 72% of GEPA's working budget so it is very difficult to prioritize and meet what is required of them.

Senator Leon Guerrero said she, along with other senators, are always trying to push the limit of the boundaries of Americans with Disabilities Act; pushing the boundaries of accreditation at the University of Guam; pushing the boundaries of air pollution, their guidelines and standards. They are pushing back because of tough economic times and she hopes that GEPA is able to convey this when GEPA deals with the federal regulators or Region IX. She hopes USEPA will understand this because the United States is doing much better as compared to Guam, which unfortunately is tied to the Asian economic crisis. She remains hopeful that they will be understanding, and that GEPA is not seen as being apathetic towards the environment, but rather they are trying to push the boundaries as far as they can.

Senator Brown thanked Senator Leon Guerrero and welcomed Senators Salas and Lamorena, the Vice-Chair of the Committee on Natural Resources. She then asked if Senator Salas had any comments on Bill No. 226.

Senator John Salas recalled the previous GEPA oversight hearing which occurred two months ago when Mr. Jesus Salas was expressing the need for more employees for the Agency. He heard the same concerns raised by the Agency: the job cannot be adequately performed without the proper technicians and specialists. When Senator Brown submitted this Bill, it made sense to him. Given everything that was raised about the budget bill, the main points that is clear but hardly spoken enough of, is that all Senators and their respective agencies have to make a fine judgment as to whether that particular agency will need the talent that is described in this Bill. Senator Brown has made that determination that GEPA does indeed need these positions because without the manpower they run the risk of contaminated water. In his dealing with the GEPA administrators, they would not be asking for something so vital and crucial to the Agency if they did not need it. With the government's current financial problems, it is important to be aware

and carefully scrutinized where money is being spent. What the Committee is doing now is watching where the "pennies" are and as the Chair has made a determination that these ten pennies are required in order to get these specialists to do the job. Senator Salas mentioned similar bills that he will be discussing on Saturday for the public defender's corporation and the Supreme Court so he is fully in support of this approach and he encourages his other colleagues to look very carefully as to what they are doing here because being the first, you are never remembered.

Senator Brown asked Senator Lamorena if he had any comments or questions pertaining to Bill 226. Since he had no comments or questions, Senator Brown proceeded by asking if anyone had any testimony on Bill 226 which they would like to present.

Mr. Jordan Kaye conveyed what is happening to his particular division in the Agency. Although there are many dedicated professionals who are working hard, unless GEPA gets the help as soon as possible, these hard working people will be "burned out" because they will not be able to keep up with the work load. His employees do not question time; they would come in and work the extra hours, if necessary. But there will be a time when these employees will become frustrated, and that is what he is worried about.

Senator Brown commended Mr. Kaye for bringing up a legitimate point: the issue of "burn out." She felt that this has been an ongoing condition with GEPA, simply because the Agency has almost always been under staffed for the mandates that has been given to the Agency for enforcement. It's between having a pay check and not having a pay check and looking at the numbers. One must be very careful, and this needs to be related to everyone in the Agency with regard to where they are. It's important to keep in mind, if there was money, the legislature would give it; however, there is no funding at this time. Any position that the Senators are looking at, whether it may be Senator Leon Guerrero for the Mass Transit or Senator Salas for the Public Defender, the money is coming from the same pot. There is no new pot of money where this appropriation is coming from. So the question lies as to where the priority is for this administration and as to what the Governor has from now to September on funding these positions. That's where the pressure is going to come from, from both sides. As a result of the situation at the Ordot Landfill, the positions were created to assist in its closure.

We do not have the personnel for UST and for Hazardous Waste. She is aware that the Agency needs more positions to fill the void, so she created these six positions just to get started. Although the Air Pollution rules and regulations were passed in December, we do not have the support personnel to implement and enforce the rules. So do we pay the \$36.00 per ton that is to be regulated or do we pay the \$6.00? If we pay the \$36.00, then Guam Power Authority will have to find other means of payment and by doing that, they are going to pass the cost to us, the rate payers. Looking at these concerns, she will go before the floor next week and try to relay to her colleagues that these are the risks involved if these positions are not funded.

The public hearing for Bill No. 226 was adjourned at 9:45 a.m. Immediately following the public hearing, the commencement of Guam Environmental Protection Agency Oversight Hearing took place.

**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
COMMITTEE ON NATURAL RESOURCES**

Senator Joanne M. S. Brown, Chairperson

Public Hearing
Tuesday, June 8, 1999
9:00 a.m.

**Bill No. 226 - An act to re-establish six critical full-time employee positions
within the Guam Environmental Protection Agency.**

Sign In Sheet

<i>Names</i>	<i>Representing</i>	<i>Oral Testimony</i>	<i>Written Testimony</i>	<i>In Favor of</i>	<i>Opposed</i>
Donchita SN Taitano	Guam EPA	✓		✓	
DAVID W. KONGA	GUAM EPA	✓		✓	
J. T. SALAS	"	✓	✓	✓	
Off W. L. ...	GEPA	✓		✓	
Nancy G. ...	"	✓		✓	
Jordan H. ...	GEPA	✓		✓	
VANCES. ...	GEPA	✓		✓	

MINA' BENTE SINGKO LA LIHESLATURAN GUAHAN
Committee on Natural Resources

GUAM ENVIRONMENTAL PROTECTION AGENCY
OVERSIGHT HEARING
Tuesday, June 8, 1999
9:00 a.m.

A G E N D A

- 1. Introduction of Committee Members**
- 2. Public Hearing on Bill No. 226 (COR): An act to re-establish six critical full-time employee positions within the Guam Environmental Protection Agency**
- 3. Commencement of EPA Oversight Hearing**
- 4. Public Comment**
- 5. Adjournment**

TESTIMONY ON BILL 226

Submitted to Committee on Natural Resources
25th Guam Legislature

Submitted by: Angel B. Marquez
Program Director
Safe Drinking Water Program
Guam Environmental Protection Agency

The Drinking water program is task to implements major objectives which are directly impacted the public health through the consumption of potable water. There are three (3) staff in the program that manages and enforce the mandated tasks such (Program Director, Engineer II and Environmental Inspector II). With the present staff, the program objectives can not be met on a year to year basis. Objectives that are not met are keep on filing as new mandates are coming. The 1986 and 1996 amendments of SDWA added many regulations that are needed to implement to protect the public health. The attached summary explain the program major objectives and goals and current staff and the vacant position. Responsibilities.

Guam EPA has primacy with the SDWA. Federal grants under the Public Water Supply Systems programs are being granted to GEPA in conjunction with the primacy. Due to the hardship of keeping the primacy due to lack of resources, GEPA is facing a challenge of losing the primacy to Guam. This means taking over by the Federal government the enforcement of SDWA to the island of Guam.

The program is also mandated to enforce the requirements of the Lead Ban as mandated by the 1986 amendments of SDWA. It was further amended in 1996 to ensure that no lead leaches to any plumbing fixtures and fittings even with the Lead free materials. Bill 81 being proposed at the 25th Guam Legislature will enable GEPA to implement the Ban on full scale and authority.

Setting priorities is important. We are concern of the presence of several contaminant to our water lense. We agree to find the source and nitigate or prevent from further intrusion to the lense. However, in this time of financial constraint, we must focus our effort to minimize the effects of these contaminants to the public. The program is tasked to protect the public from unnecessary exposure to these contaminants that are known to cause cancer and other health effect. It is known that TCE, PCE, EDB, Lead, Copper, Bacteriological contaminations and many other contaminants are found to be in our drinking water. The program goal is to ensure that none of these contaminants may enter to our drinking water without first treated and remove by the water suppliers.

To ensure protecting the public health it is desirable that two positions (Engineer II and Environmental Inspector II) be granted to the Safe Drinking Water Program of Water Division at Guam EPA.

Thank you very much.

14. Inspection and Sanitary Survey	To determine operation and maintenance of water system meet standard to ensure quality of water delivered to the public. It will enhance program staff to familiar with the system and provide utilities proper recommend to improve the systems operation	Failure to implement may results improper treatment of water prior to delivery to consumers.		Engr II Insp. II	
15. Plan Review	To ensure that all plumbing and water distribution system met the SDWA requirements and the provision of Lead Ban.		Engr. III		
16. Reporting and Data Recordkeeping	To ensure that all violations are reported to Federal Recording System.		Engr II		Requirements to maintain privacy
17. Emergency Preparedness Plan	Bacteriological Contamination	To ensure that water quality meet standard even during emergency situation (i.e. typhoon, earthquake)	Engr III Engr III Insp II		
18. Response to complaint and Coordination with disinfection of water system prior to occupancy clearance is granted.	Bacteriological and Lead contamination	To ensure that all complaints is responded expeditiously and that no lead and bacteria in the piping system		Engr II Insp II	

<p>8. Implement the requirements of the Disinfectants and Disinfection By products Rule. (Total Trihalomethanes)</p>	<p>Increase risk of cancer, Liver Kidney or central nervous system</p>	<p>Failure to implement may allow water suppliers to deliver water to the public with high concentration of TTHM.</p>	<p>Engr. II</p>		<p>Requirements to maintain primacy</p>
<p>7. Enforce the Secondary Safe Drinking water Regulations.</p>	<p>Aesthetic and Hardness of water.</p>	<p>Failure to implement will increase the number of complaints about drinking water.</p>	<p>Insp. II</p>		<p>Necessary to maintain superquality drinking water.</p>
<p>8. Enforce the requirements of radionuclide.</p>	<p>Increase risk of cancer</p>		<p>Engr III</p>		<p>Requirements to maintain primacy</p>
<p>9. Program Development and Planning a. Revised GSDWR to adopt Lead and Copper Rule b. Revised GSDWR to adopt VOC Phase II, & V c. Revised GSDWR to adopt Consumers Conf. Rep d. Revised GSDWR to adopt IESWTR e. Revised GSDWR to adopt D/DBP Rules</p>		<p>24 months behind schedule 24 months behind schedule need to adopt 2000 year need to adopt 2000 year need to adopt 2000 year</p>	<p>Engr II Engr II</p>	<p>Engr II Engr II Engr II</p>	<p>Requirements to maintain primacy Requirements to maintain primacy Requirements to maintain primacy Requirements to maintain primacy</p>
<p>10. Implement the SDW Revolving Funds</p>	<p>Grants for GWA totaling \$3Million for 1997-2001.</p>	<p>Guam must compete with other territory and state to get more funding for 2001-2005.</p>	<p>Engr. II</p>		<p>Capital Improvement Project for GWA we can not afford to lost.</p>
<p>11. Implement and enforce the Mandatory Operators Certification Program.</p>	<p>Ensure qualified and reliable PWS operators for Water and Waste-water systems.</p>	<p>Failure to implement will result an unqualified and poor operation and maintenance of water and waste-water utilities.</p>	<p>Engr II Engr III</p>		<p>Mandatory program under statute</p>
<p>12. Oversight the enforcement and implementation of the Guam Laboratory Certification/Quality Assurance Program.</p>	<p>Ensure proper certification of lab analyzing for compliance reports.</p>	<p>Failure to implement will result of unmeasurable analytical test results.</p>	<p>Engr III</p>		<p>Requirements to maintain primacy</p>
<p>13. Enforcement and compliance</p>	<p>Ensure that all violators shall be prosecuted and bring them to compliance.</p>				

TESTIMONY ON BILL 226
June 8, 1999

Buenas yan Saluda, Senator Brown and members of the Committee on Natural Resources. I would like to thank you for the opportunity to comment on Bill 226: An act to re-establish six critical full-time employee positions within the Guam Environmental Protection Agency. This Bill shows your foresight on the necessity to support an agency mandated to protect the environment because you understand that the quality of our environment correlates to the volume of tourism on Guam and the overall well-being for the people of Guam. Obviously, I whole-heartedly support Bill 226 and would like to enhance its purpose by providing documentation and testimony from the various programs within GEPA to persuade you and your committee members of the need for additional support, because the six positions called for in the Bill barely meet the demands of our mandates.

The Agency would like to request the following changes/additions to Bill 226 (COR):

1. Amend Section 1 to read after the last sentence:

I Liheslaturan Guahan further determines there exists an inequity within the Water Division at GEPA among their counterparts of sister government agencies. The individuals affected have taken on responsibilities at a supervisory level in their individual programs without concurrent compensation. Their dedication to the Agency and their programs are so far-reaching that these individuals still regularly conduct fieldwork even while having to juggle the many tasks required of a supervisor, including the reviewing and completing of administrative work and reports. Action must be taken now to promote these individuals.

2. Add Section 7 to read as follows:

Section 7. Promotions. If the Agency promotes from within, the Agency will not lose the position vacated by the incumbent. Depending on the availability of funds, the Agency is authorized to fill the vacated position.

3. Add Section 8 to read as follows:

Section 8. Reinstatement of positions: Twenty-One (21) Positions were authorized for GEPA last year through three (3) public laws to support the I Tanota, Solid Waste Management, and Air Pollution Control Programs. Because of previous actions by the Legislature, Thirty-Four (34) positions were removed, leaving the Agency with only 43% manpower overall to address the administration and enforcement of solid waste collection, solid waste disposal, solid waste management, hazardous waste collection, RCRA inspections, hazardous waste management, underground storage tanks, pesticides, air, radon, environmental review, §401 permits, §302 clearance, drinking water, lead ban, well development, water quality, injection wells, clearing and grading, feedlots, and sewage disposal systems concerns on Guam and other programs. Because the quality of the environment promotes and enhances tourism and overall well-being for the people of Guam, priority must be given to provide the optimum number of resources to support this. Therefore, the following list of positions is requested to be reinstated, in order of priority.

FIRST PRIORITY:

NO	POSITION TITLE	PROGRAM	COST
1	Env. Health Specialist I	UST	\$32,963
2	Env. Health Specialist II	Solid/Hazardous Waste	\$33,972
3	Env. Health Specialist I	Solid/Hazardous Waste	\$32,963
4	Env. Inspector I	Water Pollution Control	\$28,819
5	Environmental Aide	Env. Monitoring/Analytical Svcs.	\$19,131
6	Engineer Supv. Upgrade	Water Pollution Control	\$8,000
7	Engineer Supv. Upgrade	Water Resources	\$8,000
8	Engineer Supv. Upgrade	Safe Drinking Water	\$9,000
TOTAL SALARY/BENEFITS:			\$172,848

Justification: The above positions were recently vacated by limited term/temporary appointments who provided vital services to their respective programs. The positions are critical to continuing the services. In addition, the Engineer Supervisors' positions must be upgraded to alleviate the inequity among their counterparts of sister government agencies.

SECOND PRIORITY: (Existing vacant positions)

NO	POSITION TITLE:	PROGRAM	SALARY/ BENEFITS
1	Word Processing Sec. II	Administrative Services	\$27,121
2	Engineer II	Safe Drinking Water	\$37,570
3	Engineer I	Water Pollution Control	\$34,980
4	Env. Health Specialist III	Solid/Hazardous Waste	\$37,570
5	Env. Health Specialist I	Solid/Hazardous Waste	\$32,963
6	Biologist IV	Env. Monitoring/Analytical Svcs.	\$40,434
7	Word Processing Sec. II	Administrative Services	\$27,121
8	Engineer II	Water Resources Mgmt.	\$37,570
TOTAL SALARY/BENEFITS			\$275,329

Justification: The eight (8) existing positions were vacant positions which are critical to providing enforcement/compliance, administrative, and inspection services.

THIRD PRIORITY:

Air Pollution Control Program - P.L. 24-322

NO	POSITION TITLE	COST
1	Environmental Health Specialist III	\$37,570
2	Environmental Health Specialist II	\$34,980
3	Environmental Health Specialist II	\$34,980
4	Environmental Health Specialist I	\$32,742
5	Environmental Health Specialist I	\$32,742
6	Environmental Engineer I	\$34,980
TOTAL SALARY/BENEFITS		\$207,994

Justification: The Air Pollution Control Program will eventually become self sufficient through the Air Pollution Control Trust Fund. Staff are needed to begin implementing the mandates of the newly created law.

Solid Waste Management Program - P.L. 24-304

NO	POSITION TITLE	COST
1	Environmental Health Specialist Supervisor	\$40,434
2	Environmental Engineer (69498)	\$0
3	Environmental Health Specialist III	\$37,570
4	Environmental Health Specialist III	\$37,570
5	Environmental Health Specialist III	\$37,570
6	Environmental Health Specialist II	\$34,980
7	Environmental Health Specialist II	\$34,980
8	Environmental Health Specialist II	\$34,980
9	Environmental Health Specialist II	\$34,980
10	Environmental Health Specialist I	\$32,742
TOTAL SALARY/BENEFITS		\$325,806

Justification: Solid Waste Management issues can only get more critical as the island continues to develop. The new requirements for Subtitle D inspections and monitoring call for added manpower.

I Tano'ta - P.L. 24-171

NO	POSITION TITLE	COST
1	Planner IV	\$40,434
2	Planner III	\$37,570
3	Planner I	\$32,742
4	Environmental Inspector I	\$30,684
5	Word Processing Sec. II	\$27,121
TOTAL SALARY/BENEFITS		\$168,551

Justification: These are the required number of staff necessary to meet the additional workload that will be generated by new procedures in I Tano'ta.

This Agency has a straightforward mission and that is to protect Guam's environment; we cannot perform our mission proficiently without adequate staffing. With this in mind and with your support, we can reinstate these positions so that we may meet our mandates.

Dangkolo na Si Yu'os Ma'ase!



JESUS T. SALAS
 Administrator
 Guam Environmental Protection Agency

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN



**Committee on Natural Resources
Senator Joanne M. S. Brown
Chairperson**

Notice of Oversight and Public Hearing

The Committee on Natural Resources will be conducting an **Oversight and Public Hearing** on **Tuesday, June 8, 1999, 9:00 a.m.** at the **Legislative Public Hearing Room, 155 Hesler Street, Hagatna** on the following:

Guam Environmental Protection Agency

and

Bill No. 226 (COR): An act to re-establish six critical full-time employee positions within the Guam Environmental Protection Agency.

ADA Coordinator: Mrs. Toni Gumataotao at 472-3450/51

The public is invited to attend.

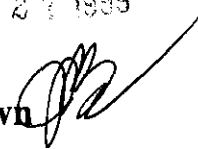
MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Introduced

Bill No. 226 cre

MAY 27 1999

Introduced by:

J. M. S. Brown 

**AN ACT TO RE-ESTABLISH SIX CRITICAL FULL-TIME
EMPLOYEE POSITIONS WITHIN THE GUAM
ENVIRONMENTAL PROTECTION AGENCY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* has

determined that certain full time employee positions (FTEs) which were formerly

authorized for the Guam Environmental Protection Agency (GEPA) but which were

repealed by Public Law 25-03 Chapter V Sections 21(a) and (b) should immediately

be re-established because they are crucial to the administration of the Solid Waste

Management Program, the Air Pollution Control Program, and the Water Pollution

Control Program. *I Liheslaturan Guahan* has further determined that the re-

establishment of said positions will enable the Guam Environmental Protection

Agency to obtain the necessary delegated authorization status to implement the

Resource Conservation and Recovery Act (RCRA) Subtitle D (Solid Waste) to

expedite the closure and post closure plans for Ordot Landfill and immediately open

a new landfill as this body has previously determined to be absolutely imperative,

1 and to obtain the delegated authorization needed to implement the Clean Air Act
2 (CAA) Title V to avoid federally imposed fees for power generating facilities. *I*
3 *Liheslaturan Guahan* further determines it is critical to protect the Northern Aquifer
4 from pollutants through the implementation and enforcement of the Guam Water
5 Quality Standards under the Water Pollution Control Program. *I Liheslaturan*
6 *Guahan* further determines that the staffing of these programs are necessary for
7 Guam to be in compliance with the federal sewer construction grants program,
8 National Pollutant Discharge Elimination System (NPDES) program, Title 40 C.F.R.,
9 Section 239.10 and Title 40 C.F.R. 257 Subsections B and D as authorized by RCRA,
10 the Clean Air Act and various other federal environmental laws.

11 **Section 2.** Notwithstanding any other provisions of law, including the fast-
12 track procedures created by Public Law 24-327:11 as amended by Public Law 25-03,
13 Chapter V, Sections 21 (a) and (b), the following sums are appropriated from the
14 Three Hundred Sixty Million Nine Hundred Forty Five Thousand Eight Hundred
15 Seventy Two Dollars (\$360,945,872) appropriated from the General Fund by Public
16 Law 25-03 Chapter II Section 1 for Executive Branch operations for fiscal year 1999.
17 No other source of funding may be used for the purposes of this bill. These positions
18 shall continue as FTE positions for fiscal year 2000 and GEPA shall submit said
19 FTEs in its budget proposal for fiscal year 2000. GEPA shall create and fill these

1 positions as soon as it reasonably can and the positions shall not be underfilled or
2 downgraded to lower position levels.

3 **Section 3.** There is hereby appropriated from the aforementioned sum the
4 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03
5 Chapter V, Sections 21(a) and (b) the sum of \$37,641 for an Environmental Health
6 Specialist III and the sum of \$67,541 for an Environmental Professional Engineer to
7 be employed as FTEs. The employees filling both positions will address and pursue
8 the closure and post-closure of the Solid Waste Management Program plans for the
9 Ordot Landfill and the opening of a new landfill. The Environmental Professional
10 Engineer shall be an environmental specialist with solid waste management
11 experience and will serve under the Air and Land Division administered by GEPA
12 as previously mandated by Public Law 24-304:5.

13 **Section 4.** There is hereby appropriated from the aforementioned sum
14 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03,
15 Chapter V, Sections (a) and (b) the sum of \$37,570 for an Environmental Health
16 Specialist III and the sum of \$34,980 for an Environmental Engineer I to be employed
17 as FTEs in the Air Pollution Control Program administered by GEPA as said
18 positions were previously created by Public Law 24-322:2.

19 **Section 5.** There is hereby appropriated from the aforementioned sum

1 previously appropriated by Public Law 24-327:11 as amended by Public Law 25-03,
2 Chapter V, Sections 21 (a) and (b) the sum of \$37,570.00 for an Engineer II to be
3 employed as an FTE in the Water Pollution Control Program administered by GEPA
4 and the sum of \$37,570.00 is appropriated for an Engineer II to be employed as an
5 FTE in the Water Resources Management Program administered by GEPA. These
6 programs play a significant role in the conservation and protection of Guam's most
7 valuable water resource against new and existing discharges, contamination,
8 hazardous pollution and over pumping.

9 **Section 6. Severability.** If any provision of this Law or its application to any
10 circumstances is found to be invalid or contrary to law, such invalidity shall not affect
11 other provisions or applications of this Law which can be given effect without the
12 invalid provisions or application.