



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street (CMD-6)
San Francisco, CA 94105

February 14, 2005

Via Email and Facsimile

Joseph W. Duenas, Director
Department of Public Works
542 North Marine Drive
Tamuning, GU 96911

Re: U.S. EPA Acceptance of DPW's Preferred Landfill Site

Dear Mr. Duenas:

At this time the Environmental Protection Agency, Region 9 (EPA) is recognizing that the Department of Public Works (DPW) has met its obligations under Paragraph 9.a. of the Consent Decree. This letter notifies you that EPA accepts the Government of Guam's preferred landfill site, Dandan.

Under Paragraph 9.a. of the Consent Decree, DPW shall, within 300 days: a) complete an Environmental Impact Statement (EIS) that includes a detailed analysis and comparison of at least three potential landfill sites and b) identify a preferred landfill site. As discussed in Fred Castro's letter of August 5, 2004, the EIS process now consists of two distinct phases, a site selection process followed by a more detailed analysis of mitigation options for the selected site. As noted in EPA's November 30, 2004 letter, EPA determined that DPW would comply with Paragraph 9.a. of the Consent Decree when it identified a preferred site alternative after the first phase of the EIS. Based on the August 5, 2004 letter, this would occur after the Preliminary Site Selection Report is: a) made available to the public, b) presented at three public meetings, and c) reviewed by the Technical Advisory Committee.

On January 31, 2005, DPW submitted, via fax, a letter announcing that the Government of Guam has selected Dandan, in the village of Inarajan, as the preferred location. The fax also included a summary of comments received during the public comment period, amendments to the Preliminary Site Selection Report, and a site evaluation report. The material presented with the fax, in addition to the original Preliminary Site Selection Report dated January 11, 2005, demonstrates that DPW and Guam EPA were very thorough in their evaluation of the three sites.

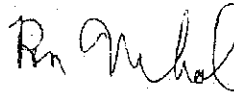
EPA recently received a draft petition supporting the elimination of Dandan as a potential landfill site. The draft petition raises issues similar to those discussed in the public comment period and subsequently addressed, namely: water resource concerns, existing local laws, mitigation costs, roadway constraints, tourism impacts, and effects on quality of life. While there may be concerns of a similar or greater magnitude for landfill sites anywhere on Guam (e.g., above the Northern aquifer, on active faults, on sites with poor soil characteristics), these comments remind us all of the heavy burden that DPW and Guam EPA face. The Government of Guam is tasked

with the very difficult duty of ensuring that the new landfill is properly planned (including mitigation), constructed, and, ultimately, maintained. To ensure success, Guam must similarly develop and implement a comprehensive solid waste plan that integrates collection, transfer, processing, recycling, composting, and all other aspects of solid waste management. Only with an effort of this magnitude can Guam ensure that: 1) the new landfill will not devolve into the next Ordot Dump, 2) the residents of Inarajan will not be overly impacted by Guam's siting decision, and 3) the new landfill will last for many years to come.

With the above considerations in mind, EPA finds that DPW and Guam EPA have conducted a detailed analysis and comparison of three sites, and have met their commitments for the first phase of the EIS. Therefore, EPA accepts DPW's decision to select Dandan as the site of the new municipal solid waste landfill. We expect that DPW and Guam EPA will proceed to analyze mitigation options for the Dandan site under the second phase of the EIS, and submit a draft plan for design, construction, and operation of the new municipal solid waste landfill pursuant to Paragraph 9.c. of the Consent Decree.

Please call me at (415) 972-3770 if you would like to discuss this matter further.

Sincerely,



Ben Machol
Guam Program Manager, P.E.

cc: Douglas Moylan, Attorney General of Guam
Fred Castro, Guam EPA Administrator
Mikel Schwab, Assistant U.S. Attorney