

1 **JOYCE C.H. TANG**
2 **CIVILLE & TANG, PLLC**
3 330 Hernan Cortez Avenue, Suite 200
4 Hagåtña, Guam 96910
5 Telephone: (671) 472-8868/69
6 Email: *jtang@civilletang.com*

7 *Attorneys for Gershman, Brickner & Bratton, Inc.*
8 *As Federal Receiver for the Guam Solid Waste Authority*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE TERRITORY OF GUAM**

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14
15 v.
16
17 GOVERNMENT OF GUAM,
18
19 Defendant.

Civil Case No. 02-00022

**NOTICE OF FILING OF ERRATUM TO
THE RECEIVER'S PORTION OF THE
SEP COMPLETION REPORT**

20 Gershman, Brickner & Bratton, Inc. hereby submits an erratum to the Receiver's Portion of
21 the Supplemental Completion Report dated and filed with the Court on June 30, 2023 ("Receiver's
22 SEP Report"). *See* ECF 1995 (Exhibit B). The erratum removes the clause "*which has existed since*
23 *World War II*" on page 8 of the Receiver's SEP Report. *See* September 19, 2023 Erratum attached
24 as **Exhibit A**.

25 Dated: September 19, 2023

CIVILLE & TANG, PLLC

26 **By:** */s/ Joyce C.H. Tang*
27 **JOYCE C.H. TANG**

28 *Attorneys for Gershman, Brickner & Bratton, Inc.*
As Federal Receiver for the Guam Solid Waste Authority

EXHIBIT A

September 19, 2023

TODD KIM
Assistant Attorney General
Environmental & Natural Resources Division
VALERIE K. MANN
Environmental Enforcement Section
United States Department of Justice
150 M Street NE
Washington, DC 20002

Attn: United States Environmental Protection Agency – Region 9
Ms. Karen Ueno
75 Hawthorne Street
San Francisco, California 94105-3901

Via Email: ueno.karen@epa.gov
valerie.mann@usdoj.gov

**RE: Erratum to the Receiver’s GEPA Supplemental Environmental Project
Completion Report for the Harmon Residential Transfer Station Agat, Guam**

Dear Ms. Ueno:

The Receiver submitted its portion of the GEPA Supplemental Environmental Project Completion Report to U.S. EPA and GEPA on June 28, 2023 (the “Report”). The Report was also filed with the Court on June 30, 2023. See ECF 1995.

The U.S. EPA expressed concern regarding the following statement made in Section 1.2 Background at page 8 of the Report:

Guam has a population of approximately 170,000, and it is the largest and southernmost island of the Mariana Islands. The primary civilian Municipal Solid Waste (MSW) Disposal site in Guam was the Ordot Dump, *which has existed since World War II* and has been cited for Violation of the Clean Water Act (33 U.S.C. §1251, et. seq.). The Ordot Dump officially closed to receipt of all waste at the close of business on August 31, 2011.

Whether the Ordot Dump existed since World War II is a disputed fact in an unrelated CERCLA lawsuit between the U.S. Government and the Government of Guam. As such, the Receiver agrees to remove the clause “*which has existed since World War II*” from the Report.

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Innovative, Sustainable Solutions
for Solid Waste Management



Gershman, Brickner & Bratton, Inc.
8300 Boone Blvd.
Suite 500
Vienna, VA 22182



Main: (703) 573-5800



hello@gbbinc.com



www.gbbinc.com





There are no other modifications to the Report.

Sincerely,

Gershman, Brickner & Bratton, Inc.

Christopher C. Lund, P.E.

Receiver Representative

Gershman, Brickner & Bratton, Inc.

**Federal Receiver Representative for the Guam Solid Waste GWA
United States District Court for the Territory of Guam**

cc: Harvey Gershman, GBB
Irvin Slike, GSWA
Douglas B. Moylan, Attorney General of Guam
Michelle C.R. Lastimoza, Administrator Guam EPA