



Guam SOLID WASTE RECEIVER



Briefing for the GSWA Board



October 23, 2025

1:00 PM ChST





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Receiver Topics

- I. Lawsuit Against GWA and DB Insurance in Superior Court
- II. GWA Billing Dispute
- III. Contractor's Case Third-party Rule 45 Subpoena Response
- IV. Receiver Request re: Mediation
- V. Cessation Certification
 - Status of the EPA Additional Work
- VI. Ordot Dump Operations
 - Leachate Status
 - Ongoing Routine and Non-Routine Operations
- VII. SEP Completion Report
- VIII. Ordot Dump Post-Closure Funds





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I. Lawsuit Against GWA and DB Insurance in Superior Court

- Sept. 30, 2025 - Hearing on DB Motion to Dismiss (Decision is deferred pending GWA's Motion for Reconsideration on 11/19/25)
- November 19, 2025 - Hearing before Judge Barcinas on GWA's Motion for Reconsideration and Decision on DB Motion to Dismiss

Note: this matter has been requested to be part of mediation request





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II. GWA Billing Dispute

- On 10/10/25 GWA informed GBB that "a credit is warranted for the disputed billings due to the meter readings registered and not due to any 'malfunctioning meter.'"
- After several follow up requests to GWA regarding the billing issue, on 10/10/25 GWA agreed to provide a "credit amount OR a firm date on when our amount can be communicated and the credit available."





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III. Contractor's Lawsuit Third-party Rule 45 Subpoena Response

- Receiver's counsel met and conferred with Kelley Drye (GovGuam)
- Receiver objected generally to a fishing expedition requesting all documents related to the Ordot Dump project from the inception to the present
- Kelley Drye/GovGuam has a duty to minimize cost and burden to the Receiver and avoid duplicative productions, because they have these documents from other contractor defendant parties
- Receiver produced over thousands of pages of documents in response to the CERCLA subpoena
- Receiver agreed to search produce relevant communications design issues
- Kelley Drye declared an impasse at the meet and confer
- All costs incurred by Receiver to GovGuam's Rule 45 subpoena is billed to and paid by GSWA





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IV. Receiver's Request Re: Mediation

- All Defendant Contractors (Brown & Caldwell, Geo-Logic, Black Construction, etc.) agreed to mediate as proposed by Receiver
- GovGuam to have a non-lawyer representative (Governor) present
- Private Mediator to mediate
- GovGuam's position regarding mediation:
 - Defendants to present Guam with a concrete settlement proposal in advance of the mediation;
 - Defendants to notify their insurers and invite their participation in the mediation;
 - all parties to attend mediation with representatives bearing authority to settle the cases; and
 - a limited stay in the cases through November 14, 2025
- Anticipate the Court will issue an order regarding global mediation





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V. Cessation Certification Status of the EPA Additional Work

Special Report Intial Technical Approach – Additonal Investigation – to address the U.S. EPA requirements for additional data gathering, U.S. EPA and Receiver submitted Special Report, ECF 2189-1, May 8, 2025 and since that time have worked to implement the technical efforts which include the drilling of boreholes and installation of wells and water quality sampling

Status of Additional Investigations for EPA requested Data

- Key milestones and activities Since May 8, 2025:
 - Permits secured from GEPA to initiate Drilling – Received September 2, 2025
 - Procurement of Driller – Contracted September, 2025
 - Borehole location refined with additional geophysical information gathered with GPR – Completed September 19, 2025





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V. Cessation Certification (cont'd) Status of the EPA Additional Work

- Met with U.S. EPA to discuss technical issues re: Initial Investigation planning (Sept 24th latest)
- Ongoing bi-weekly discussions, as needed, and sharing of info with Technical Team (GEPA, USEPA, GSWA, Receiver) (Sept 25th latest)
- Ongoing and Anticipated next steps:
 - Initiated Drilling boreholes and collect borehole data – Start September 29
 - Three boreholes to be drilled. To date we have completed all boreholes – now need to ream and construct
 - Construct and develop wells - anticipated to start week immediately following drilling work completion at all three boreholes (this week)
 - Permeability tests to be performed immediately following drilling work/well construction – anticipate to complete this week
 - Water Quality Sampling within approx. 45 days of Well construction/develop
- Draft Technical Memo anticipated submittal to EPA August/September 2026





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V. Cessation Certification (cont'd) Status of the EPA Additional Work

- Site Visit by USEPA October 21, 2025



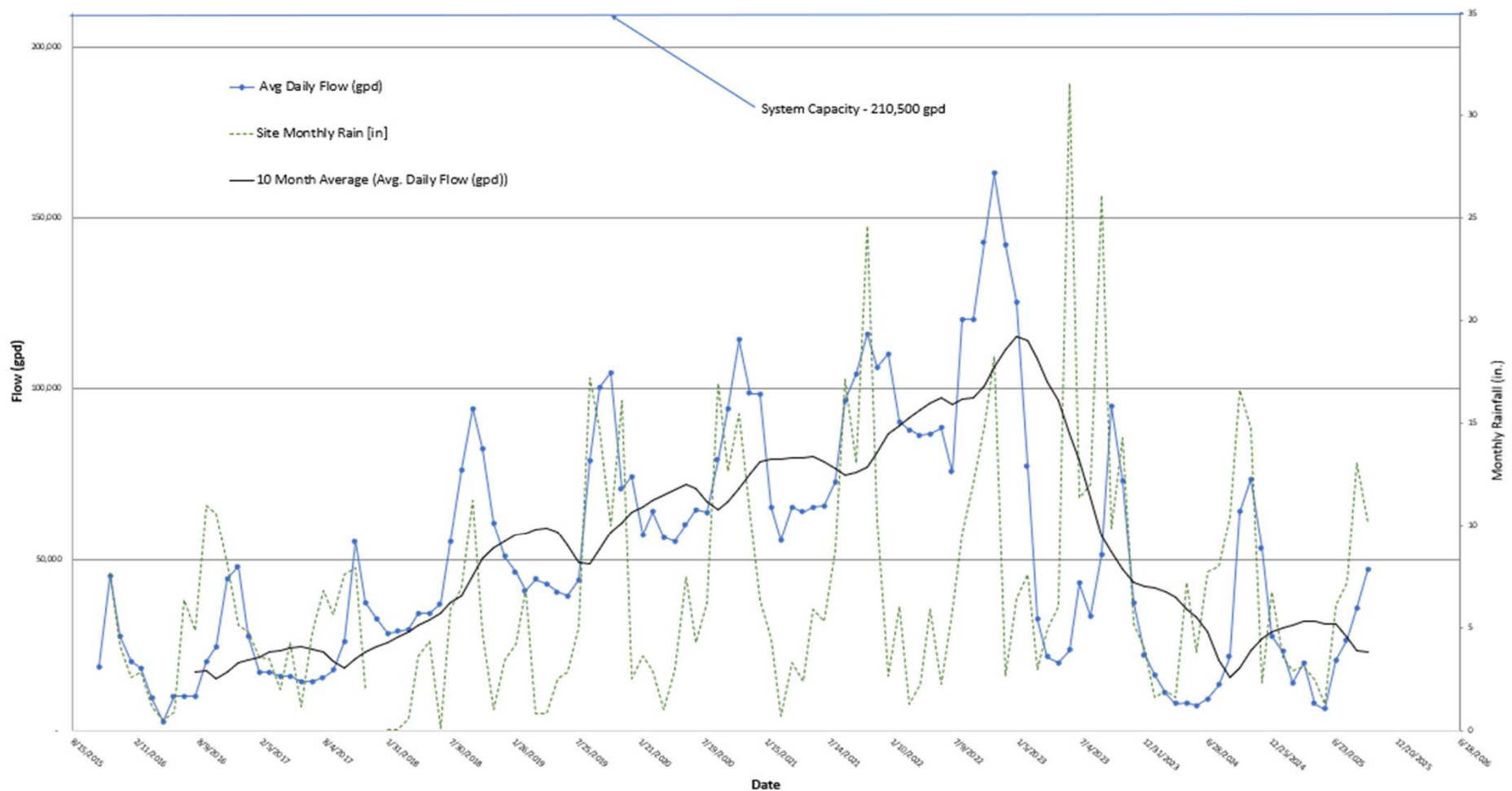


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VI. Ordot Dump Operations Leachate Status (thru Sept 2025)

Daily Average Flow and Rainfall by Month Based on GWA Meter





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VI. Ordot Dump Operations (cont'd) Leachate Status

- 2024 and 2025 leachate flows closer to the levels experienced in 2016 and 2017 after the repair of GWA Dero Road leaks in 2022
- These Dero Road leaks are no longer impacting the Ordot Dump Facility
- We continue to look for trends

Year	Leachate (Gallons)
2016	7,397,019
2017	8,518,884
2018	18,658,285
2019	23,952,805
2020	27,748,045
2021	30,040,379
2022 (GWA leaks repaired in December)	40,976,930
2023	15,870,700
2024	9,473,154
2025 (thru Sept)	5,830,169* (9 months)

*Estimated due to GWA metering malfunction



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VI. Ordot Dump Operations (cont'd) Leachate Status

GWA Leachate Volume Treated and Treatment Cost

Year	Gallons	Cost \$
2022	40,976,930	\$1,126,653.88
2023	15,870,700	\$ 358,176.30
2024	9,473,154	\$ 152,382.65
2025 (thru Sept)	5,830,169*	\$ 98,398.00

*Estimated due to GWA metering malfunction



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VI. Ordot Dump Operations (cont'd) Ongoing Routine and Non-Routine Operations

- Ongoing Routine Operations
 - Monthly Summary Report Provided to GEPA as part of Permit Requirements (also provided to GSWA on a monthly basis)
- Non-Routine Operations
 - **Storm swale repair construction:** 4 locations repaired, construction completed, final contract closeout and documentation ongoing.
 - **Soil Vapor Extraction:** (System Modification to improve soil gas recovery.)
 - GEPA drilling permits approval Sept 2.
 - Mobilization of drilling contractor to site on Sept 15
 - Installed two vertical gas wells through Sept 19.
 - To be initiated - trenching and pipe work to be performed
- We provided daily updates on the drilling activities to GSWA, GEPA





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VII. SEP Completion Report

- U.S. EPA has accepted GSWA's revised submission for meeting the Consent Decree Requirements – Letter dated October 1, 2025
- With the Receiver's portion previously accepted, this SEP condition of the Consent Decree can be considered fully completed
- SEP Status to be reported at next Court Status Hearing





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VII. Ordot Dump Post-Closure Funds

Bank of Guam Account	Balances as of August 31, 2025	Balances as of September 30, 2025
TDOA Treasurer***3788	\$ 511,994.58	\$484,866.13
Investment 5159***	\$ 4,765,007.65	\$ 4,781,566.65
RCRA Trust 5175***	\$ 33,750,753.53	\$ 33,865,490.10
Total	\$ 39,027,755.76	\$ 39,131,922.88



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