



Guam

SOLID WASTE RECEIVER

Tenth Joint Status Report

to the United States District Court of Guam
Receiver Presentation

Presented by
Gershman, Brickner & Bratton, Inc.
June 12, 2025



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1



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Tenth Joint Status Report Topics

I. Claim Against GWA
II. Leachate Flow and Seep Investigations
III. SEP Completion Report
IV. Transition Plan and Termination of Receivership
V. Ordot Dump Post-Closure Funds



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2

2



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I. Claim Against the GWA

- 12/23/24 - Court ordered Receiver to take the lead in negotiations (ECF 2145)
- Receiver has conferred with Andrew Gayle/Irv Slike regarding offers and counteroffers
 - 1/15/25 - Receiver, GWA, GSWA Chairman commenced settlement discussions
 - 1/15/25 - Receiver made a counter-offer to GWA
 - 2/14/25 - GWA responded to 1/15/25 Receiver Counteroffer
 - 3/18/25 - Receiver responded to GWA 2/14/2025 response with and offer
 - GWA has yet to respond to the Receiver's latest 3/18/25 offer.



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3

3



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GWA Lawsuit Update

- 4/18/25 – Hearing held in Superior Court of Guam to hear the Motions to Dismiss filed by GWA and DB Insurance and GovGuam (Kelley Drye represented GovGuam)
- Judge Barcinas issued an order dated April 16, 2025 confirming that GBB has standing to pursue the claims on behalf of GWA in the GPA Lawsuit
- Court has not issued its Decision and Order on the pending Motions to Dismiss



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4

4



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II. Leachate Flow and Seep Investigations

- EPA and Receiver worked together to develop a mutually agreed upon plan to address EPA’s concerns expressed in its comments on the leachate flow and seep investigations
- Special Report to Update Tenth Joint Status Report was filed by USA and Receiver (ECF 2189 and exhibits)
 1. The purpose is to respond to the Court's direction to the Receiver
 2. The plan provides the Initial Technical Approach to address EPA’s concerns
 - a. Field investigation to be initiated with the drilling of wells
 - b. Wells to be sampled for a prescribed number of events and specific analytes



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5

5



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II. Leachate Flow and Seep Investigations (cont'd)

EPA-Receiver Initial Technical Approach

- To characterize groundwater on the south side of the Ordot Dump for possible leachate impacts
- To investigate hydrogeologic conditions for a specific area along the south side of the Ordot Dump that may act as a preferential pathway for potentially leachate-impacted groundwater to discharge/release as surface water to the Lonfit River
- EPA supports the Receiver being tasked with implementing the initial technical approach



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6

6



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II. Leachate Flow and Seep Investigations (cont'd)

Anticipated Schedule

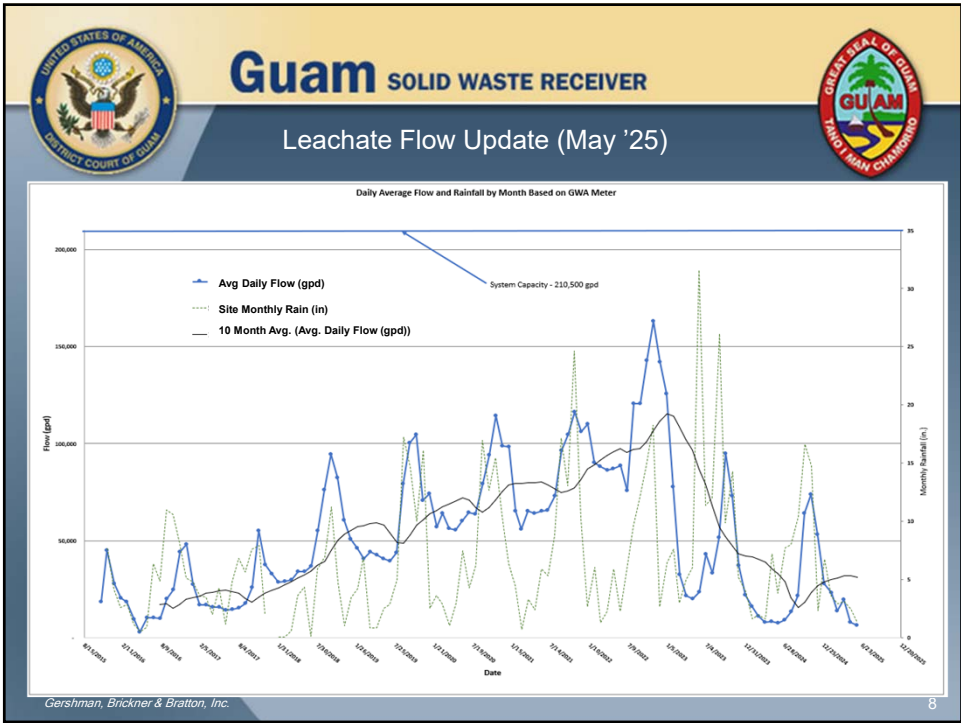
- Results Technical Memo anticipated submittal to EPA within 16 months of initiating field activities
- Key milestones and activities:
 - Choose locations for wells and drill borings in consultation with EPA
 - Permitting
 - Permeability tests
 - Construct and develop wells
 - Sampling and Analysis
 - Draft and Final Technical Memorandums
 - Ongoing bi-weekly discussions with U.S. EPA, as needed
 - Ongoing timely sharing of technical information with U.S. EPA, as appropriate



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7

7



8



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II. Leachate Flow and Seep Investigations (cont'd) ~ Leachate Flow Update

- 2024 leachate flows closer to the levels experienced in 2016 and 2017 after the repair of GWA Dero Road, and Dero Road leaks are no longer impacting the Ordot Dump Facility

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 May)	2,122,144 (5 months)*

*Estimated due to GWA metering malfunction



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9

9



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II. Leachate Flow and Seep Investigations (cont'd)

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 May)	2,122,144*	\$ 34,824.38*

*Estimated due to GWA metering malfunction



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10

10



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III. SEP Completion Report

- Receiver has completed its portion of the SEP Completion Report and EPA approved it on July 9, 2024 (see ECF 1995-2)
- EPA rejected GEPA's portion of the SEP Completion Report on December 20, 2024
- Since then, productive meetings have been held between EPA and GSWA and they are working toward using subsequent GSWA costs for providing HHW services at the Harmon Transfer Station to support the GEPA portion



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11

11



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IV. Transition Plan and Termination of Receivership



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12

12

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Consent Decree Remaining Tasks

Section & Paragraph	Task Description	Responsible Party	Next Steps
III. CIVIL PENALTY	Pay a \$200,000.00 civil penalty as required in Section III of Consent Decree	Government of Guam	Receiver is not aware of any payments made by GovGuam to comply with this requirement. If directed by EPA/DOJ to do so and the Court agrees, Receiver can pay required amounts out of managed Ordot Post Closure Funds (not the RCRA Trust).
IV. COMPLIANCE 8. i. Cessation of Discharge of Pollutants from Ordot Dump into Waters of the United States.	Cease all discharges to waters of the United States from Ordot Dump and submit certification to EPA.	DPW (Now Receiver)	The cessation will be documented by a Certification of Cessation of Discharges, to be issued upon completion of additional monitoring and analysis addressing recent EPA concerns (ECF 2189-2).
VII. SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)	- Perform and complete the SEP as set forth in Appendix C (develop and implement a comprehensive waste diversion strategy for household hazardous waste on Guam). - Ensure total expenditure for the SEP is not less than the present value of \$1,000,000. - SEP Completion Report and certifications	Government of Guam - Receiver portion of SEP requirements submitted and approved by EPA - GEPA portion of SEP requirements being developed using GSWA operational costs and services provided since GSWA took over its operations.	GSWA/GEPA working with EPA to finalize an acceptable SEP Completion Report. Receiver will not be participating in this effort.

13

13

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IV. Transition Plan and Termination of Receivership (cont'd)

Consent Decree provisions relating to Court ordered full termination of Receivership:

- The Consent Decree will remain in effect until the later of
 - (1) one year after the Government of Guam completes all activities contained in Sections III, IV, and VII of the Consent Decree; or
 - (2) the resolution of any matters pending in this Court regarding this Consent Decree. (See Consent Decree, ¶ 56)

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14

14



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IV. Transition Plan and Termination of Receivership (cont'd)

Consent Decree provisions relating to Court ordered full termination of Receivership:

- The Consent Decree may also be terminated without a (1) one-year waiting period if GovGuam [Receiver now] requests in writing (including a certification that the applicable requirements have been met) that the United States make a determination that the Consent Decree may be terminated, and the United States agrees that the requirements of Paragraph 56 of the Consent Decree have been met and notifies the Government of Guam and the Court, the Consent Decree shall terminate.
(See Consent Decree, ¶¶ 57 & 58.)



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15

15



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IV. Transition Plan and Termination of Receivership (cont'd)

- Other Receiver tasks:
 - Ongoing oversight of Ordot Dump post-closure O&M
 - Collecting and providing additional data requested by EPA
 - GWA Lawsuit and settlement negotiations
 - Transition Plan activities
 - Office of Attorney General has confirmed that Guam procurement law would allow the existing GSWA-EA contract to be used for Ordot Dump Post-Closure Facility engineering services
 - Transition Plan estimates that once the Court has ordered transition to occur, transition could be done within 60 days
 - Receiver has tasked Brown & Caldwell to prepare materials and briefings for transition information exchange



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16

16



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V. Ordot Dump Post-Closure Funds

Bank of Guam Account	Balances as of March 1, 2025	Balances as of April 30, 2025	Balances as of May 31, 2025
TDOA Treasurer***3788	\$ 277,524.28	\$ 261,990.80	\$ 512,003.02
Investment 5159***	\$ 5,669,212.17	\$ 5,250,900.43	\$ 5,012,759.72
RCRA Trust 5175***	\$ 32,912,970.09	\$ 33,222,555.11	\$ 33,391,906.49
Total	\$ 38,859,706.54	\$38,735,446.34	\$ 38,916,669.23



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17

17



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18

18