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SOLID WASTE RECEIVER



Status Report  
of the  
Receivership for the Government of Guam  
Guam Solid Waste Authority  
Pursuant to the Order of the  
United States District Court of Guam

Presented by  
Gershman, Brickner & Bratton, Inc.  
December 16, 2022



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Joint Status Report Outline

1. Leachate and Seeps Investigation

– Seeps Field Reconnaissance

– Leachate Field Reconnaissance

2. Cessation Certification


3. Financial Review

– Post Closure Cost Estimate

– Funding Options

– Increasing GSWA monthly payment





4. Next Steps



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1. Ordot Dump Post-Closure Facility  
Leachate and Seeps Investigation

Site Reconnaissance Agenda

- Monday, November 14
  - Office discussion: Project Objectives, Safety Discussion
  - Facility Tour
  - Reconnaissance for seeps on the South Side of Facility
- Tuesday, November 15
  - Reconnaissance for Seeps – West Side of Facility
  - Cover System Leachate Reconnaissance – begin
- Wednesday, November 16
  - Cover System Leachate Reconnaissance – finish
  - Perimeter Reconnaissance along Dero Drive
  - Office Discussion of field work and review of construction photos, as-builts
- Thursday, November 17
  - Field reconnaissance along West Side Perimeter Road
  - Office Discussion: Review of findings/conditions at the site, subsequent steps to gather more information and possible corrective action to address increase leachate volumes

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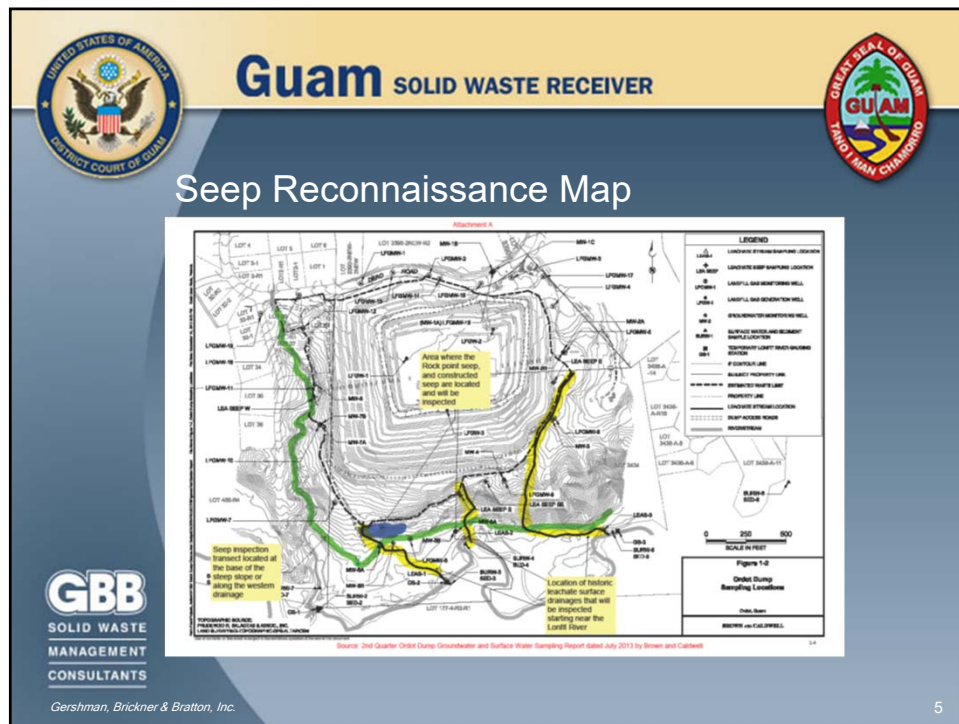
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Ordot Dump Post-Closure Facility



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## Seeps Reconnaissance



- South Side Reconnaissance
  - Along the entire area of investigation, only one location provided a surface expression of groundwater, or seep, near the Lonfit River.
  - All areas of interest from prior work and documentation were evaluated.
  - No 'Rocky Point Seep' or Seepage area or evidence of seepage found in purported location of Rocky Point Seep by EPA in 2016.
  - Both Seepage points collected by pipe placed during construction exhibited no discharge

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## Seeps Reconnaissance



- West Side Reconnaissance
  - Approximately 700 ft of the West perimeter road embankment along the combined length of the Western Channel Relocated Stream alignment (approx. 450 ft) and the existing Western Channel was investigated for seeps
  - An area approximately 20 feet long along west side perimeter road embankment toe of slope is a seepage area. Not previously located – at the toe of slope of road embankment.



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## West Side Seep







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## Seep Sampling

- Week of December 4th samples collected from 2 seep locations.
- Two other seep locations were attempted – no flow to sample.
- Samples were shipped December 5<sup>th</sup> and arrived at laboratories in States intact for analysis on December 8<sup>th</sup>.
- Results pending in late January 2023



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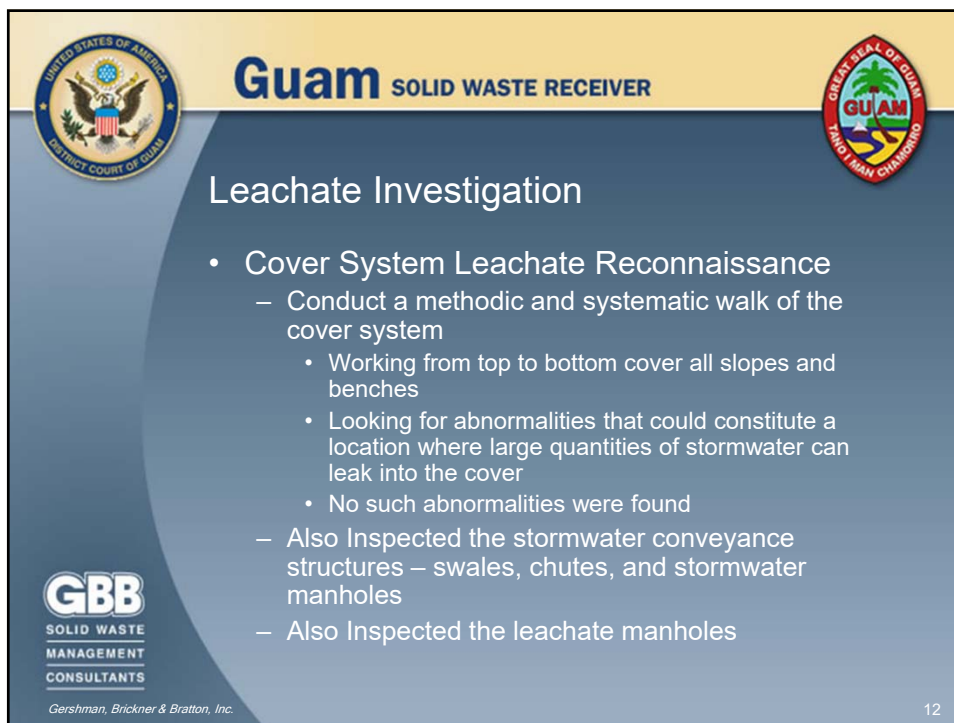


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Magnitude of Sample Effort for Seeps Sampling

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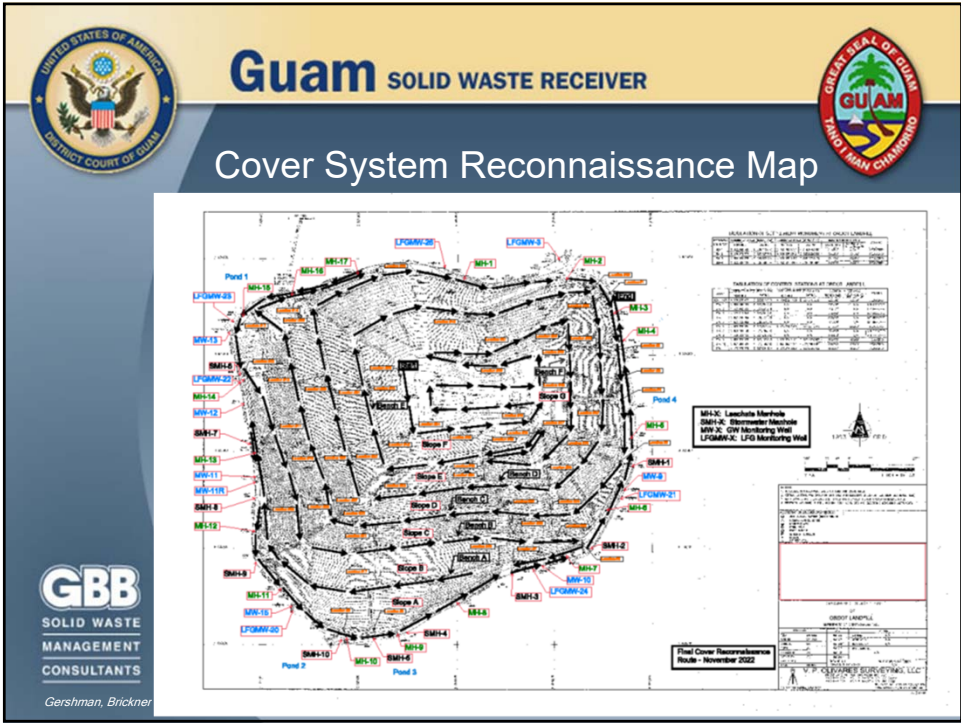
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Leachate Investigation

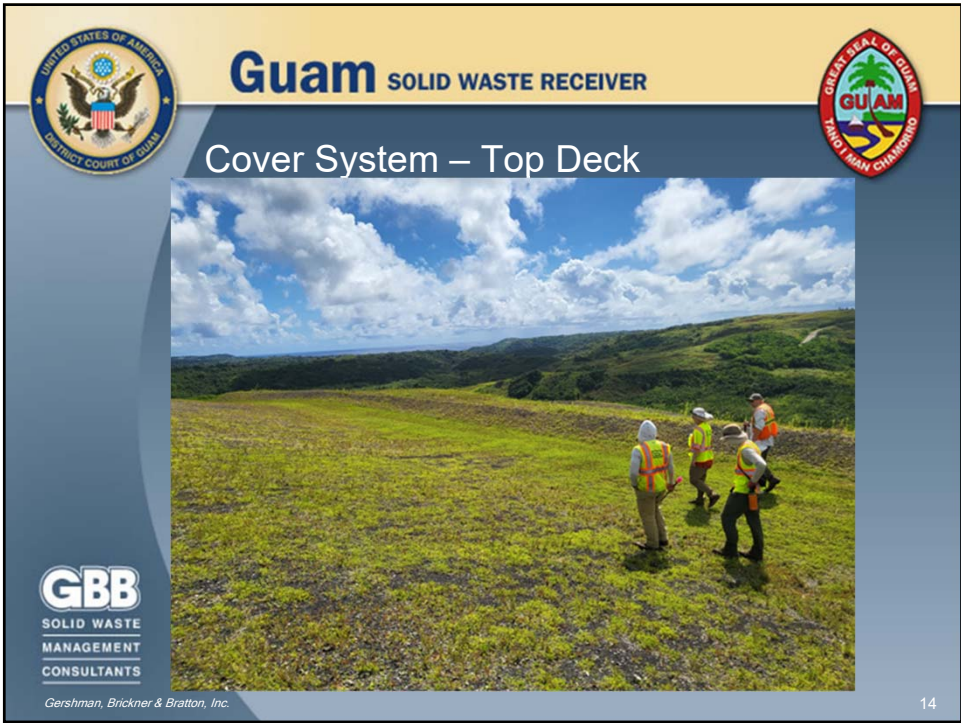
- Cover System Leachate Reconnaissance
  - Conduct a methodic and systematic walk of the cover system
    - Working from top to bottom cover all slopes and benches
    - Looking for abnormalities that could constitute a location where large quantities of stormwater can leak into the cover
    - No such abnormalities were found
  - Also Inspected the stormwater conveyance structures – swales, chutes, and stormwater manholes
  - Also Inspected the leachate manholes

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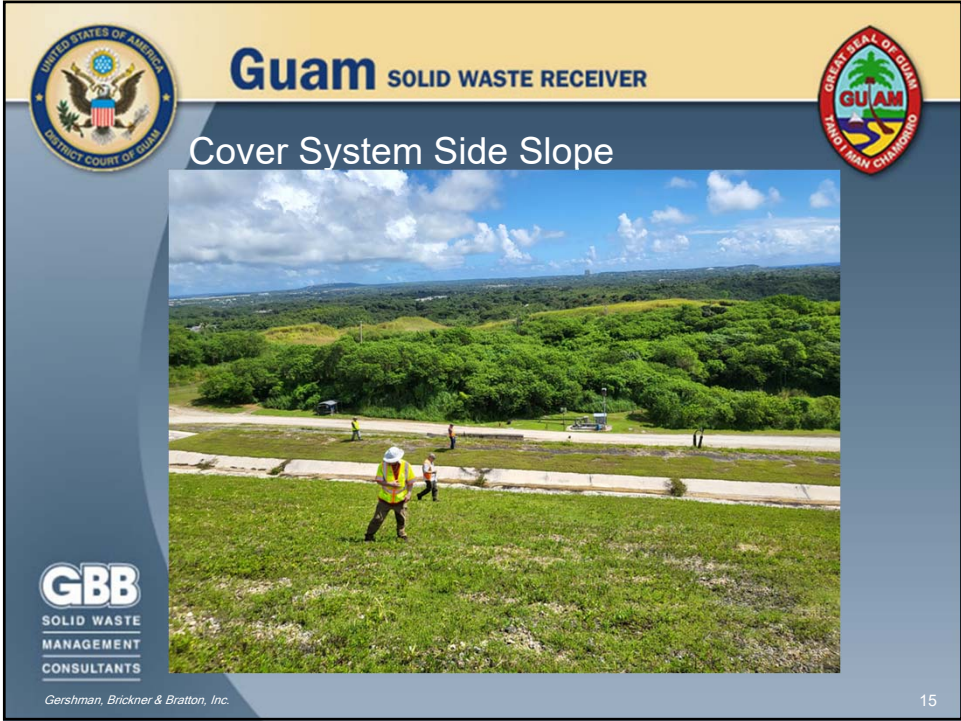


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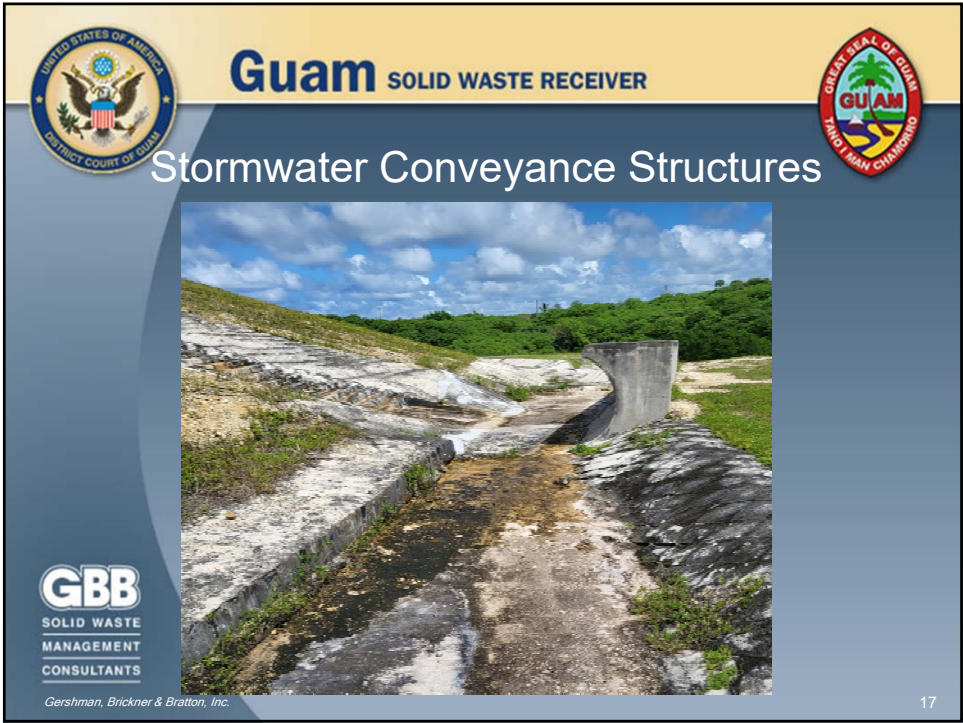


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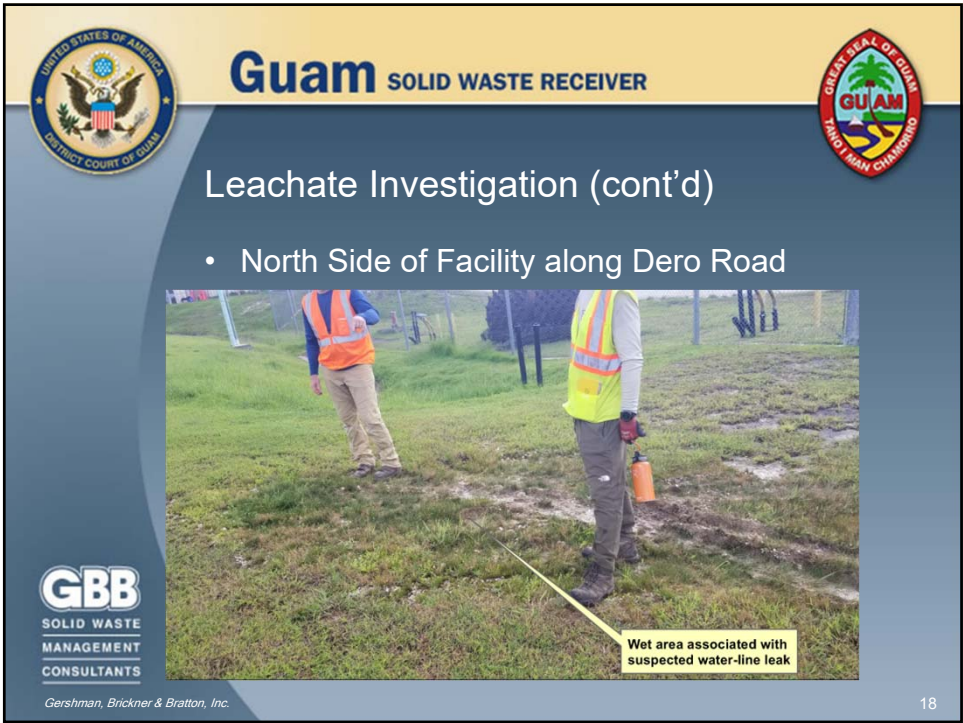


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## Leachate Investigation (cont'd)



Leak location and GWA Repair





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## Additional Contributing Factor Identified







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## 2. Cessation Certification



- After meeting and conferring on this issue, the Receiver believes it submitted a cessation certification
- Certification was not accepted by the United States
- Receiver, GovGuam and the United States agree that such certification should be revised to meet the requirements of the Consent Decree
  - To be submitted at an appropriate time in the future by the Receiver or GSWA
- Parties also agree it more appropriate to further discuss the timing and requirements of such certification after a plan of action is agreed upon and more information is available



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## 3. Financial Review

- Post Closure Cost Estimate
- Funding Options
- Increasing GSWA monthly payment





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## Ordot Dump Post-Closure Cost Estimate

- Cost estimate included in the January 2022 operating permit was \$27 million for 30 years ending in FY2046
- The Receiver's revised draft June 8, 2022 cost estimate was increased to \$56 million
  - This estimate reflects actual costs incurred and estimates for additional monitoring as required by EPA and in the GEPA permit.
- Receiver requested PFM to vet this revised estimated, resulting in adjustments to inflation rates
  - The result was a revised draft cost estimate to \$87 million
  - Major contributor to the cost increase is leachate generation and rate charged for treatment by the Guam Water Authority (GWA)





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Note: These estimates do not include remediation measures that have yet to be determined by the Parties for addressing leachate and seeps remediation fixes

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## Ordot Dump Post-Closure Cost Estimate (cont'd)

- GSWA engaged consultant to review GWA rates
  - Current rate charged for leachate treatment is Commercial 3 rate (highest rate) at \$27.42 per 1,000 gallons
  - Upon reviewing quality of leachate to other commercial waste streams, consultant concluded that the Commercial 1 rate (lowest) at \$8.11 per 1,000 gallons was more appropriate
    - Consultant reviewed charges and leachate quality back to 2019
  - If lower applied starting in FY2024, the revised draft cost estimate is reduced to \$55 million

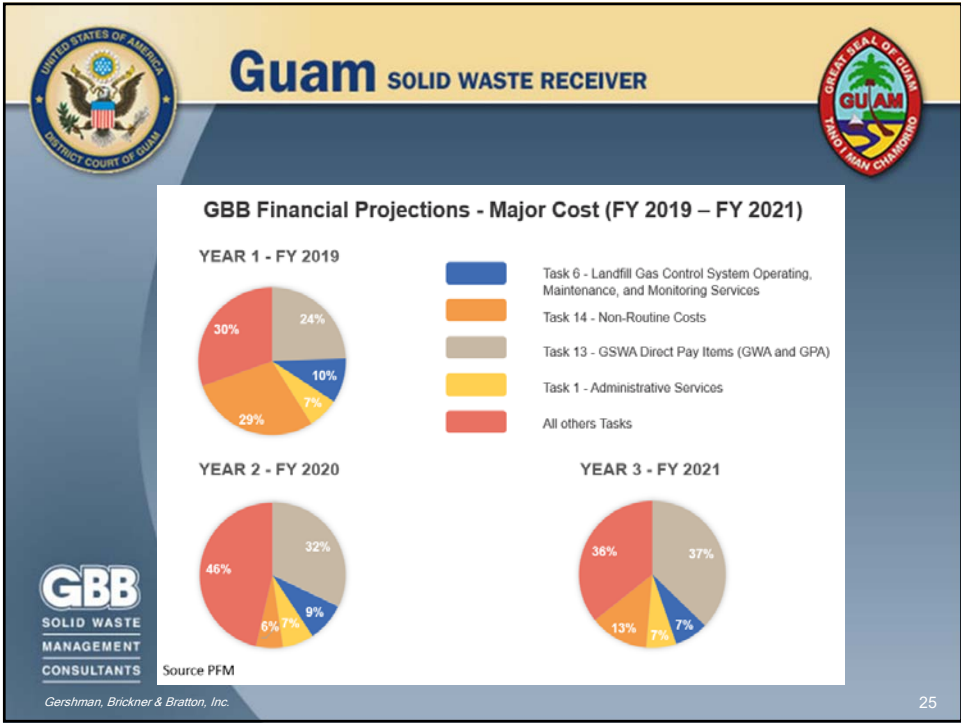


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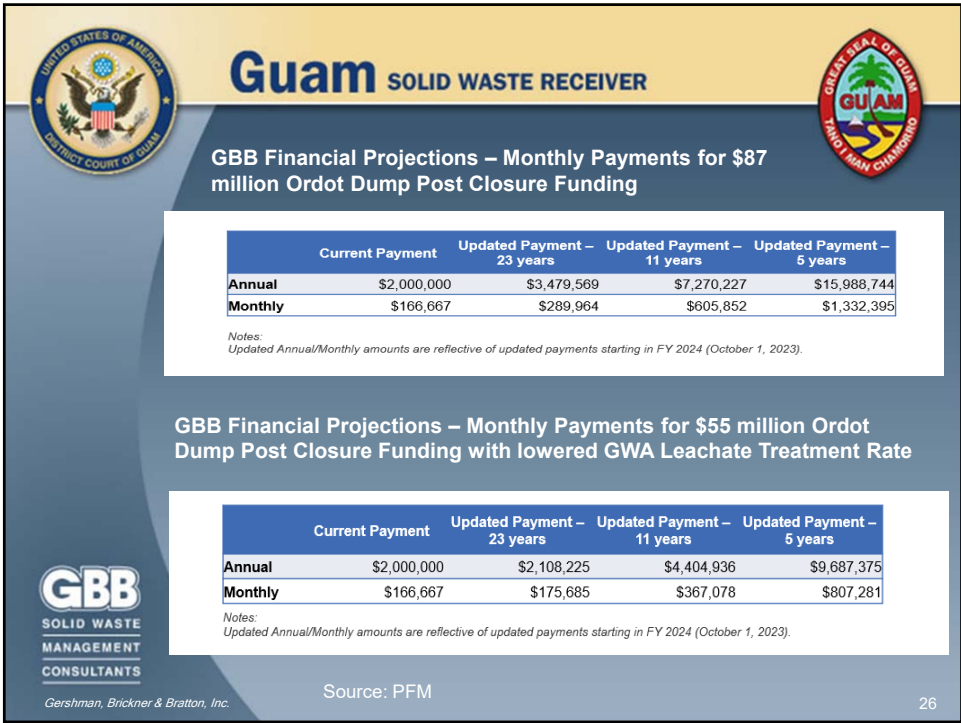
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## Funding Options

- Receiver engaged PFM to develop funding options
- Four options developed and evaluated
  - #1 Prioritize the Post-Closure Payment in current GSWA flow of funds (Pay-Go Method)
  - #2 "Interested Party" Guarantee (Pay-Go Method)
  - #3 Third-Party Guarantee (Pay-Go Method)
  - #4 Pre-fund Closure Expenses Through Leveraging (Pre-Funded Method)
- PFM ranks the first option as preferred and then the second option





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## GSWA Funding for Ordot Dump Post-Closure

### Ordot Dump Post-Closure Fund – Deposit/Expenditure Activity


	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023 <sup>(A)</sup>
Deposits	\$4,000,000	\$1,666,667	\$2,333,335	\$2,000,004	\$2,000,004	\$2,000,004	\$333,334
Interest Earnings	\$3,636	\$6,263	\$7,827	\$6,142	\$1,553	\$731	\$75
Total Expenditures	\$5	\$0	\$2,177,714	\$2,464,472	\$2,327,226	\$2,319,155	\$656,273
Fund Balance	\$4,003,631	\$5,676,562	\$5,840,010	\$5,381,684	\$5,056,015	\$4,737,594	\$4,414,730

Notes:  
Fund Balance is the amount of funds at the end of the Fiscal Year End or as of 9/30.  
There were little to no expenditures in FY 2017 & FY 2018.  
November 30, 2022 ending fund balance is \$4,414,730.



Source PFM (A) FY 2023 activity through November 30, 2022.

- Expenses \$2 million greater than deposits in past several years





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### Increasing GSWA Monthly Payment



- Receiver recommends deposits be increased to \$3.6 million per year (\$300,000 per month) starting January 1, 2023
  - This would slow down fund depletion and be in a better position to fund leachate and seep fixes not yet defined
- If no changes, at current rate of spending, balance will go to "0" in less than 5 years



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### 4. Next Steps

- Leachate and Seeps Investigation
  - Collect samples from Seep Locations (Completed Dec 4, 2022)
  - Continued Groundwater Data gathering by installing continuous monitoring equipment in selected groundwater wells of interest
  - Receive back and review Seep samples with technical teams
  - Continue evaluation and analysis of data
  - Pursue investigation of possible sources of leachate volume increases
- Financial Review
  - GSWA increase annual funding amount to \$3.6 million per year as of January 1, 2023
  - Further cost estimate update on hold until:
    - Remediation methods decided upon and impact on cost estimate determined; and/or
    - GWA rate adjustment occurs
  - Focus funding future costs on options 1 and 2
- Schedule
  - Develop an estimated timeline to fulfill the requirements of the Consent Decree and/or completely end the Receivership and turn over further future responsibilities to GSWA



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