



# Briefing for the GSWA Board



January 16, 2025  
1 PM ChST



Gershman, Brickner & Bratton, Inc.



## Topics

1. Court Order Review
2. Requested Topics Status
3. Leachate Flow Update
4. GWA Claim Update
5. Post-Closure Accounts Update
6. Transition Plan and Termination of Receivership



Source: Google Maps



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# Guam SOLID WASTE RECEIVER



## 1. Post 12/18/24 Court Order (ECF 2145)

- GSWA relieved of its obligation to pay \$2 million per year
- Receiver authorized to continue to handle and be in the lead with negotiations with GWA and its insurer(s) over the claims as a result of the GWA water leaks
- Irvin Slike, GSWA Board and its legal counsel to work cooperatively with the Receiver team on the GWA matter
- Court concurs that the cessation certification should be delayed for now while U.S. EPA's concerns are addressed



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## Post 12/18/24 Court Order (cont'd)

- GEPA should respond to U.S. EPA's concerns for SEP Completion Report by February 14, 2025
- Transition Plan approval is premature since the OAG has not issued its opinion on the EA contract and that it is not clear that further investigation or remediation work is necessary with regard to the SEEP investigations
- Receiver shall remain until compliance with the Consent Decree or until further order of this court
- Next Status Hearing date is March 19, 2025



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## 2. GSWA Board Requested Information

- Quantify legal costs to pursue the GWA claim; and
- Research on similarly closed dump facilities regarding their leachate generation and treatment

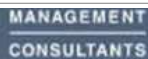
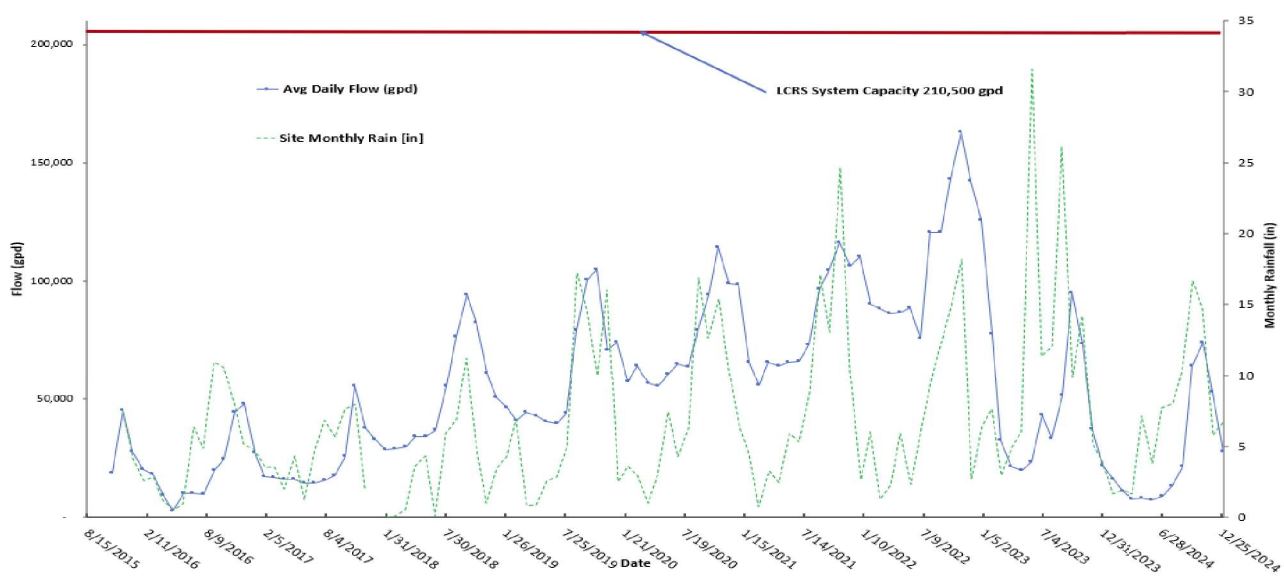
### Status:

- Work in progress; will present at next Board Meeting



## 3. Leachate Flow Update

Daily Average Flow and Rainfall by Month Based on GWA Meter





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## 3. Leachate Flow Update (cont'd)

2024 leachate flows now closer to those levels experienced in 2016 and 2017 now that GWA Dero Road leaks no longer impact the Ordot Dump Facility



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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

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## 3. Leachate Flow Update (cont'd)

### GWA Leachate Treated and Charges

Year	Leachate (Gallons)	Charges
2022	40,976,930	\$1,126,653.88
2023	15,870,700	\$358,176.30
2024	9,473,154	\$152,382.65



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## 4. GWA Claim Update

- Receiver, GWA, GSWA Chairman commenced settlement discussions on 1/15/2025
- Negotiations subject to confidentiality agreement
- A counter-offer was made to GWA.
- DB Insurance defaulted on complaint and requested an extension to respond to January 28, 2025, which the Receiver has granted



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## 5. Post-Closure Funds Status

Bank of Guam Account	Balances As of December 31, 2024
TDOA Treasurer***3788	\$ 756,715.48
Investment 5159***	\$ 5,668,026.23
RCRA Trust 5175***	\$ 32,758,390.34
<b>Total</b>	<b>\$ 39,183,132.05</b>



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### 6. Transition Plan and Termination of Receivership

- Consent Decree requirements remaining:
  - GEPA Portion of the SEP Completion Report accepted by US EPA
  - Certification of Cessation of Discharges to US waters filed and accepted by the US EPA
- Court says:
  - Transition Plan approval is premature since the OAG has not issued its opinion on the EA contract and that it is not clear that further investigation or remediation work is necessary with regard to the SEEP investigations
  - Receiver shall remain until compliance with the Consent Decree or until further order of this court



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### *Si Yu'us Ma'ase*



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