



Guam SOLID WASTE RECEIVER

Presentation to the GSWA Board





April 11, 2024
1:00 PM ChST



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MANAGEMENT
CONSULTANTS

Gershman, Brickner & Bratton, Inc.


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Discussion Outline

1. Receiver Costs
2. Status of Claim Against GWA
3. Steps to Ending Receivership
4. Next Receiver Topics for GSWA Board
5. Questions?




Source: Google Maps



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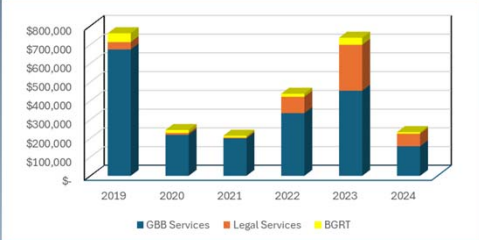
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Receiver Costs



Annual Summaries				
Year	GBB Services	Legal Services	BGRT	Total
2019	\$ 674,657.47	\$ 39,201.10	\$ 46,969.63	\$ 760,828.20
2020	\$ 218,884.58	\$ 9,673.14	\$ 15,891.64	\$ 244,449.36
2021	\$ 199,839.74	\$ 4,764.40	\$ 9,600.18	\$ 214,204.32
2022	\$ 334,932.53	\$ 87,021.76	\$ 16,362.53	\$ 438,316.82
2023	\$ 454,501.63	\$ 245,039.65	\$ 37,597.47	\$ 737,138.75
2024	\$ 157,880.50	\$ 67,182.46	\$ 8,204.89	\$ 233,267.85
Totals	\$ 2,040,696.45	\$ 452,882.51	\$ 134,626.34	\$ 2,628,205.30


BGRT = Business Gross Receipts Tax
2019 includes approximately 1/3 of GSWA Operations and Administration prior to partial turnover.





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Receiver Costs (continued)

Include and Not Limited to the Following:





2019	<ul style="list-style-type: none"> Approximately 1/3 of the cost attributable to Receiver providing full-time GSWA Operations and Administration oversight (Jan – April) Receiver turned over operations and admin to GSWA in April; remaining responsibilities - Ordot Dump Post-Closure oversight Continued Layon Cell 3 Permitting and Procurement Support to GSWA Ordot Dump - began providing USEPA required additional testing and data for groundwater monitoring wells Continued providing GSWA operations support Continued working with USEPA and GEPA on Post Closure Care Plan David Manning passed away in August 2019
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Receiver Costs (continued)

Include and Not Limited to the Following:



2020	<ul style="list-style-type: none"> • Continued Work with USEPA/GovGuam on Ordot Dump Post Closure Care Plan for Consent Decree certifications and work to secure GEPA Operations Permit • Continued support of GSWA operations • Ongoing Ordot Dump Post-Closure oversight • Ordot Dump - Continued providing USEPA required additional testing and data for groundwater wells
2021	<ul style="list-style-type: none"> • Continued Work with USEPA/GovGuam on Ordot Dump Post Closure Care Plan for Consent Decree certifications and work to secure GEPA Operations Permit • Ongoing Ordot Dump Post-Closure oversight • Ordot Dump - Continued providing USEPA required additional testing and data for groundwater wells.



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Receiver Costs (continued)

Include and Not Limited to the Following:



2022	<ul style="list-style-type: none"> • Ordot Dump - Cost Estimates Update and Evaluation for Increased Leachate, Inflation Payment • Receiver/USEPA/GEPA increased focus cause of Leachate increases • USEPA started requesting studies related to increasing leachate • Court ordered Meet & Confer meetings • Continued providing USEPA required additional testing and data for groundwater wells • Ongoing Ordot Dump Post-Closure oversight
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Receiver Costs (continued)

Include and Not Limited to the Following:



2023	<ul style="list-style-type: none"> • Certification of MSW Receipts Cessation – Ordot Dump • Hardening of Ordot Dump LCRS • Setup of Ordot Dump Post-Closure Investment Trust Fund • Continued Leachate and Seeps Investigation • Continued providing USEPA required additional testing and data for groundwater wells • Increased legal demands for Meet and Confers with Parties • Respond to GovGuam threatened litigation and Kelley Drye/GovGuam subpoena • Ongoing Ordot Dump Post-Closure oversight
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Receiver Costs (continued)

Include and Not Limited to the Following:



2024	<ul style="list-style-type: none"> • Continued Leachate and Seeps Investigation • Continued providing USEPA required additional testing and data for groundwater wells • Ongoing coordination with GSWA related to Ops Procurement • Continued Meet and Confers with Parties • Continue discovery responses to Kelley Drye/GovGuam subpoena • Receiver focused on completion of items leading up to termination of Receivership, e.g. SEP Report • Ongoing Ordot Dump Post-Closure oversight
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Status of Claim Against GWA



- GWA rejected Receiver's claim dated Sept 5, 2023 (Amount \$2.6 Million)
- Dye Test Observations at Stormwater Management Ponds and impact on claim
 - Receiver is unclear as to the anticipated conclusions of the study
- Leachate & Seeps Investigation
 - Technical Report development in process
 - Sunshine Act Request to GWA (March 20, 2024)
 - GWA requested additional time to respond (April 19, 2024)
- Based on results, send another letter to GWA
- Additional elements of GWA leak cost impact:
 - Leachate and Seeps Investigation (B&C)
 - Receiver's and GSWA's work responding to leak



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Status of Claim Against GWA (cont'd)

March 20, 2024 Sunshine Act Request to GWA - All documents or other forms of written communication regarding the following matters:



1. Leak, repair, or other work request records relating the GWA water pipe and other pipes on Dero Road and Ordot Dump area for the past 10 years.
2. The detection, investigation, and repair of the Dero Road Leak.
3. GWA water auditing, leak detection, and leak repair protocols and procedures.
4. GWA's compliance with any leak detection protocols and procedures relating to the GWA water pipe at Dero Road.
5. Date of or approximate period GWA became aware of or discovered the Dero Road Leak.
6. Cause of the Dero Road Leak.
7. Reports of other water line leaks at the Dero Road and Ordot Dump area in the past five years.
8. Estimates or calculation of the total amount of water that was released by the Dero Road Leak, and the basis for such estimates.
9. Results and reports regarding the Ordot Dump dye tests together with any findings and conclusions.
10. Records of any construction work performed by GWA, another GovGuam agency, or a third party at or near the Dero Road Leak in the past five years.
11. All complaints from residents near Ordot Dump and Dero Road regarding loss of water or water pressure in the past five years



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Steps to Ending Receivership



1. SEP Completion
 - a. Deadline to resubmit Receiver Portion of revised SEP Report - April 29, 2024
 - b. Obtain USEPA Approval for Receiver's portion of the SEP Report - *Pending*
 - c. GEPA Portion of SEP Report to USEPA - *Pending*
2. Certification of Discharge Cessation to WOTUS
 - a. Leachate and Seeps Investigation Final Report Completion – Estimated May 6, 2024
 - b. Meet and Confer to reach consensus on Cessation of Discharges to WOTUS – *Pending*
 - c. Certification: Cessation of Discharge to WOTUS – *Pending*
3. Ordot Operations
 - a. B&C Contract Amendment through August 2027 – May 30, 2024
 - b. RCRA Trust Agreement Finalized – *Pending*
 - c. Resolution of GWA Claim – *Pending*
4. District Court of Guam Status Hearing
 - a. Meet and Confer scheduled for April 18, 2024, 8:30 a.m. ChST
 - b. Joint Status Report (including Chace Anderson report) due to be filed by May 1, 2024
 - c. Status Hearing is scheduled for May 8, 2024, 8:30 a.m. ChST
5. Receivership Transfer of Ordot to GSWA – [December 31, 2024]



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Next Receiver Topics for GSWA Board

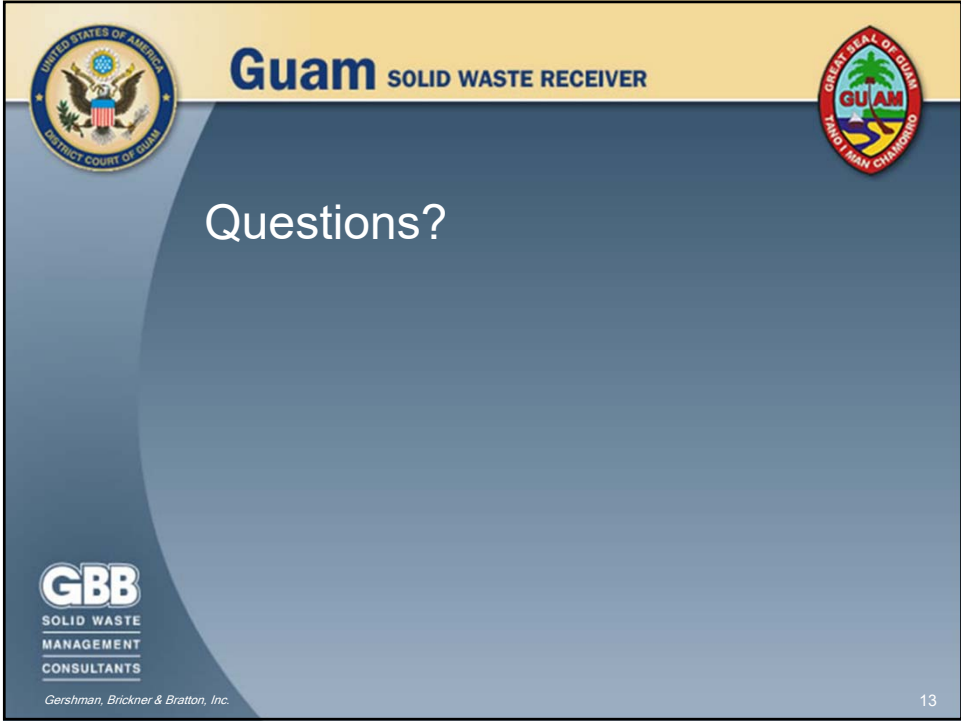
- For May 2024
 - Answer questions regarding Receiver Costs
- For June 2024
 - Status – B&C Contract Extension
 - Discuss Chace Anderson Report
- For July 2024
 - Discuss Leachate and Seeps Investigation Report



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Questions?

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