



Guam SOLID WASTE RECEIVER



Presentation to the GSWA Board



July 24, 2024
1 PM ChST





Guam SOLID WASTE RECEIVER



Topics

1. Receiver Portion of SEP Report Status
2. Leachate Production and Cost Update
3. RCRA Trust update, aka US EPA Trust
4. GWA Claim Update
5. Tasks and Estimated Timeline for Ending Receivership
6. September 11, 2024 Joint Status Report
7. Proposed Transition Plan
8. Questions? Discussion & Topics for Next Meeting



Source: Google Maps



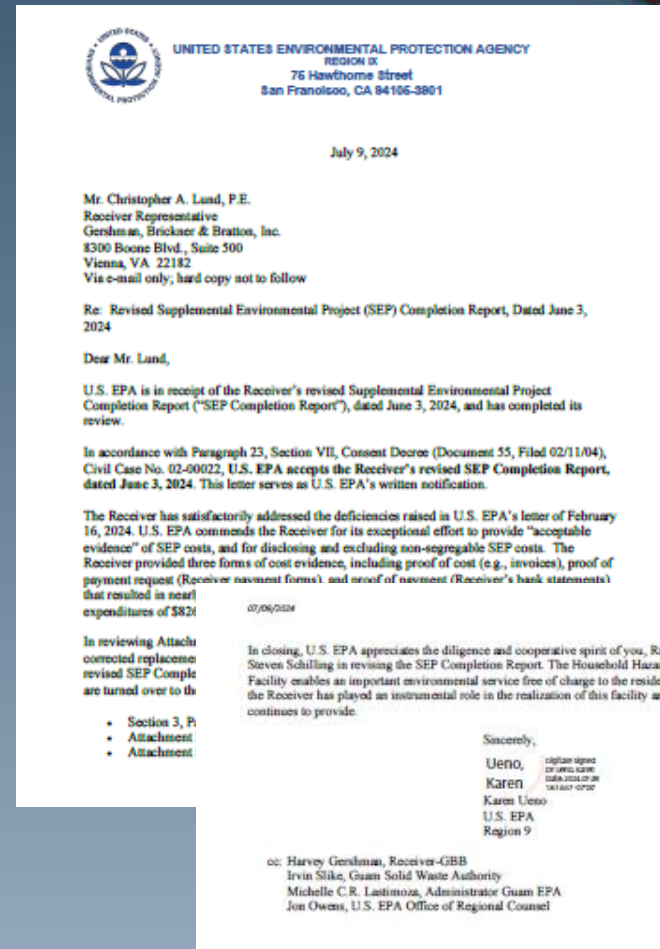


Guam SOLID WASTE RECEIVER



1. Receiver Portion of SEP Report Status

- Receiver portion (299 pages) submitted to USEPA on June 3, 2024
- USEPA approved the submission on July 9, 2024
- This completes Consent Decree requirement for the Receiver
- GEPA required to complete the rest





Guam SOLID WASTE RECEIVER



2. Leachate Production and Cost Update





Guam SOLID WASTE RECEIVER



Annual Leachate Quantity 2016 through 2023

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	40,976,930
2023	15,870,700





Guam SOLID WASTE RECEIVER



Leachate Quantity and Cost Review 2023 and 2024 To Date

Month/Year	Leachate (Gallons)	Cost
Jan-23	2,230,800	\$73,069.93
Feb-23	907,400	\$27,163.84
Mar-23	658,900	\$19,726.16
Apr-23	584,500	\$17,498.71
May-23	718,100	\$21,497.17
Jun-23	1,335,200	\$39,970.73
Jul-23	1,041,800	\$31,186.96
Aug-23	1,619,100	\$24,668.05
Sep-23	2,758,200	\$42,022.24
Oct-23	2,223,400	\$33,972.34
Nov-23	1,114,600	\$17,030.34
Dec-23	678,700	\$10,369.83
Jan-24	492,800	\$7,530.05
Feb-24	318,600	\$4,867.93
Mar-24	246,200	\$3,761.81
Apr-24	241,900	\$3,695.30
May-24	227,800	\$3,480.79
Jun-24	276,700	\$4,228.04





Guam SOLID WASTE RECEIVER



Ordot Dump Post Closure Facility Performance Summary

- The closure design and implementation is performing as expected with no releases to the Lonfit River or surrounding environment
- Even with GWA water main leak impacts of an extra 103.2 million gallons to collect and pump to GWA for treatment, the Ordot leachate collection system managed those flows
- After GWA watermain leak impact was fixed in December 2022, it took until October 2023 when impact of GWA leaks subsided and leachate volumes returned to expected levels comparable to flows in 2016 and 2017





Guam SOLID WASTE RECEIVER



3. RCRA Trust update, aka US EPA Trust

Bank of Guam Trust Accounts Current Balances – as of June 30, 2024

- Receiver Trust Account #1
- \$963,780.78
- Receiver Trust Account #2
 - \$7,254,016.24
- **Total - \$8,217,797.02**
- Trust Account #2 investments made with review and consent of the GSWA Controller





Guam SOLID WASTE RECEIVER



3. RCRA Trust update, aka US EPA Trust (cont'd)

- 2023 PCCE: \$31,322,061.21
- 2023 Escalation Payment: \$1,140,123.03
- **Total PCCE for 2024: \$32,462,184.24**

- Possible Sources to fully fund PCCE:

Gov Guam – USA Settlement Funds: \$ 30,578,444.47
Receiver Trust Account #2: \$ 1,883,739.77

Total: \$32,462,184.24





Guam SOLID WASTE RECEIVER



3. RCRA Trust update, aka US EPA Trust (cont'd)

- Funds are to be deposited in a RCRA compliant trust
 - Receiver / GSWA / US EPA/DOJ have agreed to work with Bank of Guam to finalize RCRA compliant trust
 - Court concurs per its Order after May 8, 2024 Status Hearing
 - Receiver has sent US EPA/DOJ Amendment to Financing Plan initially approved the Court on April 24, 2019
 - US EPA/DOJ and Receiver have agreed in principle to the language modifying the RCRA Compliant Trust Agreement template to include co-Grantors of GSWA and the Receiver
 - Next step: present to GSWA for review and comment and then take to the Bank of Guam for execution





Guam SOLID WASTE RECEIVER



3. RCRA Trust update, aka US EPA Trust (cont'd)

- If funds are not in a Receiver involved trust account and PCCE not fully funded there, then GSWA will be required to pay:
 - Monthly payments of \$166,667 through August 2026
 - Annual inflation payments until fully funded
 - 2023 escalation payment @ \$1,140,123.03 due on or before December 31, 2024 (US EPA estimate)
 - Lump sum payment on or before August 31, 2026 to fully fund the PCCE at that time





Guam SOLID WASTE RECEIVER



3. RCRA Trust update, aka US EPA Trust (cont'd)

Alternatives while US EPA Trust Agreement being put in place:

- (1) GSWA transfer funds necessary to fully fund the PCCE into Receiver Trust Account #2
 - ~ \$28 million needed to fully fund and leave Receiver with funds to continue to pay for Ordot expenses
 - GSWA could keep ~\$2.5 million with DOA saved for future Layon capital needs
 - GSWA monthly payments suspended and annual escalation payment not needed
- (2) GSWA leaves settlement funds with GovGuam DOA who invests for interest income GSWA continues to make monthly deposits and 2023 annual escalation payment
 - FUNDS held by GSWA will not count to meet funding requirements of PCCE



Guam SOLID WASTE RECEIVER



4. GWA Claim Update

#	Description	Total
1	Aug. 16, 2023 Demand Letter (2018-2022)	\$2,650,222.00
2	Add'l Leachate Quantities (1/01/23 - 10/31/23)	\$60,075.02
3	B&C Change Orders Leachate Investigation (2022 - 7/2024)	\$650,543.00
4	Allocated Receiver's Cost for Leachate Work (2018 - 5/31/24)	\$737,595.19
5	Add'l Detry Truck Charges (2018 – 10/2023)	\$187,214.12
6	Allocated Pump Power Costs (2018 – 10/2023)	\$95,007.86
7	Allocated Repair Work Costs (2018 – 2023)	\$26,584.01
Total		\$4,407,241.20





Guam SOLID WASTE RECEIVER



4. GWA Claim Update (Cont'd.)

- Submit the GWA claim shortly
- Meet with GWA to address any questions or issues and work towards an amicable resolution
- Update the Court with progress at the September 11, 2024 Hearing





Guam SOLID WASTE RECEIVER



5. Tasks and Estimated Timeline for Ending Receivership

- Appointment Order requirements for ending Receivership are achieving compliance with the Consent Decree, unless:
 - ❖ Receiver recommends termination of this Order as no longer necessary or modification thereof, and termination or modification is accepted by the court; or
 - ❖ Receiver requests to be relieved and such request is approved by the court; or
 - ❖ The Order is otherwise modified or terminated by the court





Guam SOLID WASTE RECEIVER



5. Tasks and Estimated Timeline for Ending Receivership (cont'd)

Tasks that must be completed to achieve termination, with estimates of approximate dates of completion:

1. Finalizing and obtaining signatures of GovGuam and regulators to the US EPA Trust Agreement (the “RCRA Trust Agreement”)—awaiting final agreement from US EPA.
Estimated Completion August 2024
2. Obtaining Bank of Guam’s (“BOG”) acceptance of the RCRA Trust Agreement. **Estimated Completion September 2024**
3. Obtaining Approval and implementation of Updated Financial Plan by all relevant parties and approval by the Court
Estimated Completion September 2024





Guam SOLID WASTE RECEIVER



5. Tasks and Estimated Timeline for Ending Receivership (cont'd)

Tasks that must be completed to achieve termination, with estimates of approximate dates of completion:

4. Agreement on transition plan for the turnover to GSWA of operation and maintenance of post-closure care of the Ordot Dump. **Estimated Completion September 2024**
5. Obtaining funds required to be deposited in RCRA Trust sufficient to comply with RCRA requirements. **Estimated Completion October 2024**
6. US EPA/DOJ's agreement regarding a study regarding former seeps at the Ordot Dump site. **Estimated Completion November 2024**





Guam SOLID WASTE RECEIVER



5. Tasks and Estimated Timeline for Ending Receivership (cont'd)

Tasks that must be completed to achieve termination, with estimates of approximate dates of completion:

7. If BOG does not promptly agree to RCRA Trust, implementation and completion of expedited procurement for a bank for RCRA Trust. **Estimated Completion January 2025**
8. Acceptance by US EPA/DOJ of a certification by Receiver/GSWA that discharges of pollutants from Ordot Dump to waters of the US have ceased. **Estimated Completion July 2025** (Receivership may be terminated sooner if the court approves a method for GSWA to issue certification based in part on Receiver's work)





Guam SOLID WASTE RECEIVER



6. Joint Status Report for September 11, 2024 Hearing

- Suspension of meet and confers until Court addresses pending motion and immunity issues
- Topics for the 8th Joint Status Report will be circulated to meet & confer group by email this week for review and comment
- Proposed deadlines for submission of drafts and comments, and filing with the Court will be included in the email





Guam SOLID WASTE RECEIVER



7. Proposed Transition Plan Outline

- Receiver will work to develop a Transition Plan when some of the underlying issues impacting such transition are adequately resolved
- Transition Plan is anticipated to address:
 - Provide the Board of Directors with a summary of work obligations associated with the closed Ordot Dump;
 - Provide the Board of Directors with a summary of work related to fulfill all permit required reports;
 - Provide the Board of Directors with a summary of all remaining financial obligations and work to fulfill them.
 - The report will provide a description of the above work and hours to fulfill them.





Guam SOLID WASTE RECEIVER



7. Proposed Transition Plan Outline (cont'd)

- Board of Directors develops a game plan on how GSWA will assume the additional workload.
- Board's Report will include designating current or future GSWA positions who will be involved, current GSWA contractors who will perform any of the work, and state any intention of procuring new contractual help to assume the additional work.
- The Board will submit the draft plan to the Receivership for its review and comment. The Receivership will provide feedback to the Board of Directors on the draft and make a good faith effort to work through any differences.
- If the Receivership and the Board of Directors agree on the plan they will submit it to the court jointly. If there are differences there will be separate submittals.





Guam SOLID WASTE RECEIVER



8. QUESTIONS?

DISCUSSION

TOPICS FOR NEXT MEETING

