



Guam SOLID WASTE RECEIVER



Presentation to the GSWA Board



August 22, 2024
1 PM ChST





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Topics

1. Ordot Operations Update
2. Status of Receiver Trust Accounts
3. GWA Claim Update
4. RCRA Trust update, aka US EPA Trust
5. Cessation Certification Next Steps
6. Transition Planning
7. Questions? Discussion & Topics for Next Meeting



Source: Google Maps





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1. Ordot Operations Update





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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
2024	1,803,997 (6 mos.)





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Leachate Quantity and GWA Charges 2023 to July 31, 2024

Month/Year	Leachate (Gallons)	Charges
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
Jul-24	401,786	\$6,139.03





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2. Status of Receiver Trust Accounts

Receiver Trust Accounts at Bank of Guam Balances – as of July 31, 2024

- Receiver Trust Account #1
 - \$ 1,121,449.55
- Receiver Trust Account #2
 - \$ 7,294,635.35
- Total - \$8,416,084.90
- Trust Account #2 investments made with review and consent of the GSWA Controller





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3. GWA Claim Update

- Receiver submitted the GWA Claim to GWA on August 21, 2024
- Included GK² Inc. (Tiger Gillham) Report *Evaluation of Contribution of GWA Waterline Leaks on Dero Road to Ordot Dump Leachate Flow & Volume*
 - This report confirms and validates the conclusions re: Dero Waterline leaks
- Sunshine Act Request to GWA for:
 - Insurance policies covering general liability, management and professional liability for period 2018 – 2023
 - Claim against policies related to GWA Claim An independent review of the Receiver's new claim was conducted





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3. GWA Claim Update (cont'd)

#	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





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4. RCRA-Compliant Trust Update

- DOJ/EPA and Receiver have reached agreement on a RCRA-Compliant Trust Agreement
 - GSWA is named as the Grantor
 - GSWA and Receiver are named in Exhibit A as having to both authorize all transactions
 - Bank of Guam has agreed to executing this form and abide by its 2019 fee proposal
 - Monies deposited here would all count toward PCCE funding
 - This agreement can be set up immediately





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4. RCRA-Compliant Trust Update (cont'd)

- If GEPA/EPA PCCE is fully funded here, GSWA monthly payments and escalation payments would be suspended
 - Receiver can augment GSWA deposit of \$30.6 million to reach full GEPA/EPA PCCE of \$32.5 million
 - Future escalation payments subject to being covered by future interest income





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GSWA Plan to Create RCRA Compliant Trust Fund

(Source: Guam Attorney General's Office - 8/19/24)

		Equipment Replacement	
	Ordot Dump Investment	Fund Investment	
Principal Amount	30,578,444.47	750,000.00	
Interest Rate	4.97%	4.97%	
Proj Annual Interest	1,519,748.69	37,275.00	
12 months	12	12	
Monthly Interest	126,645.72	3,106.25	
5 months	5	4	
Interest for 5 months	633,228.62	12,425.00	
Principal Amount	30,578,444.47	750,000.00	
Total Proj Balance, Dec 2024	31,211,673.09	762,425.00	31,974,098.09
Goal Amount			32,462,184.24
		FEMA Mawar	(488,086.15)
		Reimbursement	\$661,913.19





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5. Cessation Certification Next Steps

- The Receiver, US EPA, and DOJ are discussing remaining steps needed for an acceptable certification
- May be resolved in near future



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6. Transition Planning

- Receiver is in the process of developing information roadmap to inform and guide GSWA development of Transition Plan
- GSWA has recently submitted an update on transition planning
- GSWA draft transition plan will need to consider and include the information the Receiver is to provide for it to be complete
- Process is ongoing and moving forward expeditiously





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7. QUESTIONS?

DISCUSSION

TOPICS FOR NEXT MEETING

