



Presentation to the GSWA Board



December 19, 2023
10:00 AM ChST



Gershman, Brickner & Bratton, Inc.



Discussion Outline

- GWA Pond 1 Dye Test
- Infiltration Concerns Related to Stormwater Ponds
- #13 What is the Receiver Doing Now to Prepare GSWA
- #14 Financial Condition of GSWA
- Clarifications to the Special Report of the Receiver (10-23-2023)
- SCADA and Power Resiliency
- Brown & Caldwell Presentation Questions
- Ordot Dump Post-Closure O&M Contracting Strategy
- Other Questions



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GWA Pond 1 Dye Test

- 11/22 – GWA on site to begin test:
 - Discharged chlorinated water from hydrant into pond to agitate dye that was added directly to existing pond water
 - Discharged water from approx. 9am to 7am on 11/23
- 11/24 to 11/26 GWA on site to observe and photo document the following locations:
 - Pond 1, Pond 1 outfall, LCRS Manhole No.10, stormwater manhole closest to LCRS Manhole No. 10, which discharges to Pond 2, and LCRS tank No. 1, 2 and 3
- Receiver observed and photo-documented the conditions at the GWA observation locations at the same time:
 - Receiver observations - No dye observed in the LCRS system or the stormwater manhole of the stormwater system and this was confirmed with GWA onsite staff at the time of observations
- No report has yet been provided as yet by GWA
- GWA is considering dye test for Pond 4



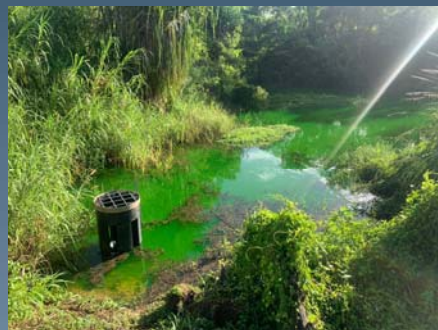
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GWA Pond 1 Dye Test (cont'd)



11-23-2023 Dye mixed in Pond 1



11-25-2023 Pond 1 two days later



11-25-2023 Checking for dye in manhole



11-26-2023 Checking for dye in leachate tanks



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Infiltration Concerns Related to Stormwater Ponds

GSWA and GWA have voiced concerns that excessive infiltration or preferential pathways from the stormwater ponds has contributed to excessive leachate collection

Receiver believes this is not the case due to:

1. The four stormwater ponds were designed as detention ponds, not infiltration ponds. The recompacted soil bottoms and sidewalls are an effective barrier to minimize infiltration during storm events.
2. The ponds were designed and constructed according to applicable stormwater standards and the approved stormwater plans included in the GEPA permit.
3. Dye study conducted on Pond 1 by GWA in November 2023 failed to show any dye making its way into the leachate collection system. This demonstrates no excessive infiltration or preferential pathways into the leachate collection system from the stormwater ponds.



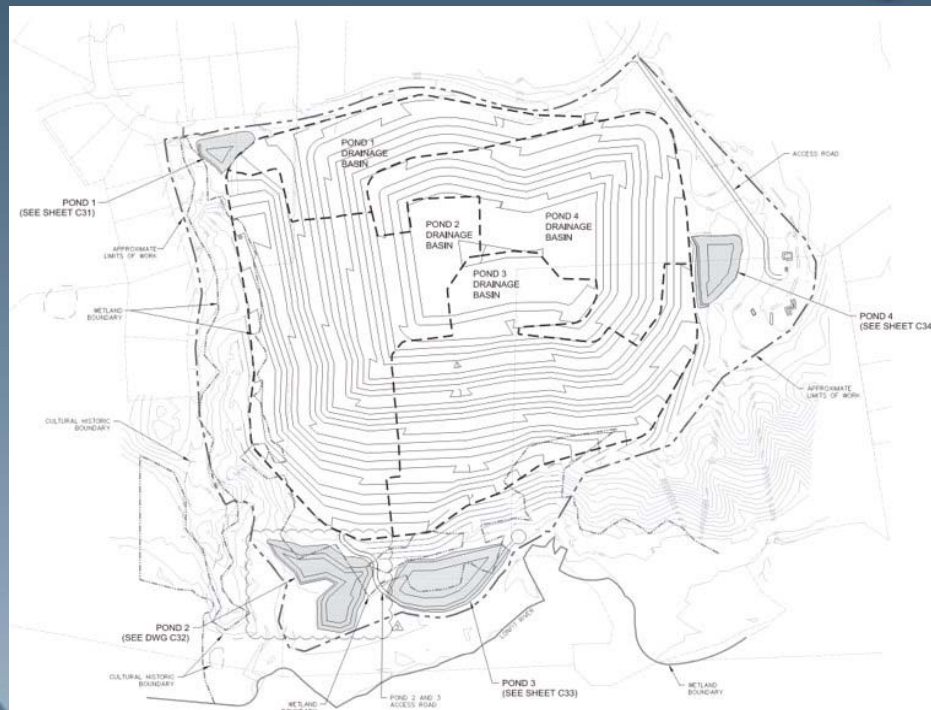
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Stormwater Management



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Q. #13 What is the Receiver Doing Now to Prepare GSWA

1. The Receiver would attend all future GSWA Board meetings and report on the status of the Ordot Dump Post-Closure matters.
2. Chris Lund, Receiver Representative in charge of the Ordot Dump Post-Closure Facility, would work with GSWA.
3. Irv Slike, GSWA's General Manager, will review the operating costs of the Ordot Dump Post-Closure Facility and explore areas where costs reductions can be implemented under the Brown & Caldwell Operations Contract for this coming year and the next, the last two (2) years of the initial seven (7) year term contract.
4. If GSWA would like the Operations Contract re-procured and not extend the Brown & Caldwell contract, the Receiver, working closely with GSWA, will initiate the procurement process to select a contractor for future years.
5. The Receiver will work with the GSWA Controller, Kathy Kakigi, in setting up the new Bank of Guam account that would allow for the earning of higher levels of interest income from the Ordot Dump Post Closure funds. Ms. Kakigi's involvement will make transitioning this account to GSWA easier as well as provide the Receivership with the benefit of her financial experience in selecting the investments for the fund.



Q. #14 Financial Condition of GSWA

At the time the Receiver turned over the administration and operations of the Guam solid waste management system to GSWA on April 29, 2019, in connection with the partial termination of the Receivership by the Court, there were significant funds left in various accounts, including reserve accounts, that the Receiver had set up during its administration of the system.

In particular, it should be noted that the following reserve funds were in the listed accounts:

Account	Amount
New Cell Dev(elopement) Account (for Layon Landfill)	\$360,808.94
Cell Closure Account (for Layon Landfill)	\$360,808.94
Layon Post-Closure Care Account	\$721,617.11
Equipment Replacement Account	\$1,398,345.71
Ordot Dump Post-Closure Care Reserve	\$6,129,490.19

When the Receivership started, none of these accounts and funds existed.





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Clarifications to the Special Report of the Receiver (10-23-2023)

On page 6 of 15, footnote 7 refers to total *yearly* flow but the table uses *monthly* flow (see last column).

For consistency, the table is being revised to show the Estimated Release compared to Annual Flows:

Release Event Date	Estimated Release (Gallons)	Total Yearly Flow (Gallons)	Percentage of Release relative to total Annual flow
Sept. 13, 2017	6,000	8,500,000	0.07%
Oct. 18, 2017	7,300	8,500,000	0.09%
Sep. 11, 2018 (Typhoon Manghut)	40,000 – 50,000	18,400,000	0.2 – 0.3%
May 25, 2023 (Typhoon Mawar)	9,000 – 43,000	32,000,000 (June 2022 – May 2023)	0.03 – 0.1%



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Clarifications to the Special Report of the Receiver (10-23-2023) (cont'd)

The table of costs on page 4 and the table on page 7 differ as to costs for years 3 and 4.

The table on page 7 (Question 8) is being revised to correct the values for years 3 and 4:

Year 1*	Year 2	Year 3	Year 4	Year 5	Year 6
2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
\$800,732	\$1,270,536	\$1,122,067	\$1,137,452	\$1,169,360	\$1,053,259



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Clarifications to the Special Report of the Receiver (10-23-2023) (cont'd)

On page 8 in Question 11.i, the \$27,740,327 estimate is erroneously called 2019 Post Closure Cost Estimate.

The correct date of this estimate is 2021. The sentence should read:

“And, in calculating that amount, the 2021 Post Closure Cost estimate (\$27,740,327) would continue to be increased by the escalation rate required in RCRA regulations, i.e., the Gross National Product Deflator Index, and that an annual inflation payment be made to the Ordot Dump Post-Closure Trust Fund.”



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Clarifications to the Special Report of the Receiver (10-23-2023) (cont'd)

On page 11 in Question 12, the Receiver lists a number of items that must be addressed prior to termination of the Receivership. In discussions with USEPA and USDOJ, it has been determined that comments from USEPA regarding the two Technical Memos submitted to the Court in 2021 are not required (Item i in original list). The list of Items is revised to the following:

- i. *A trust agreement approved by USEPA and GEPA regarding funds for post-closure care costs needs to be finalized and executed;*
- ii. *RCRA-compliant post-closure care financial assurance must be provided, which will necessitate certain contracts to be in place before the termination of the Receivership;*
- iii. *Funds must be transferred from the Ordot Dump Post-Closure Care Reserve Account (managed by the Receiver) to a post-closure cost trust fund for which a bank is trustee and GSWA is the manager;*
- iv. *The Receiver must determine that GSWA is able and prepared to take over responsibility for the monitoring and supervision of the operator performing post-closure work at the Dump, and complete the technical work relating to the Ordot Dump Post-Closure Care Plan, both of which are currently performed by the Receiver;*
- v. *Any services required from consultants and contractors to complete the work must be paid from the Ordot Dump Post-Closure Care Reserve Account managed by the Receiver;*
- vi. *All remaining contracts to which the Receiver is a party, i.e. the Independent Engineer Contract and the Ordot Dump Operator Contract must be assigned to an appropriate successor;*
- vii. *The ongoing investigation of seeps at the site, the increase in leachate generation that occurred in 2018-2022, and the identification of possible remedies if needed must be completed; and*
- viii. *The issues regarding the requirements of the Consent Decree including that all discharges from the Ordot Dump cease and that such cessation be certified must be resolved.*



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SCADA and Power Resiliency

SCOPE OF WORK (TO#35)

1. Modify control programming so that SCADA (primary controller) is not removed from service when the float switch (secondary controller) is activated at high liquid level condition in the tanks
2. Install a dedicated power supply to the SCADA system to allow the SCADA system to maintain functionality if the pump controller experiences issues
3. Install SCADA unit in its own waterproof control panel box
4. Install a below-ground hardline fiber optic cable from the SCADA panel box to a dedicated desktop computer at the Facility office is intended to provide local backup and accessibility during communication network outages



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SCADA and Power Resiliency (cont'd)

SCOPE OF WORK (TO#35)

5. Install a separate dedicated power supply to the Pump Controller system to allow the Pump Controller system to maintain functionality in the event of a SCADA system issue
6. Install new control panel boxes for both SCADA and pump controller system
7. Install the Pump Controller unit in a new separate waterproof control panel box.
8. Seal all conduits to the control panel boxes with appropriate sealant to prevent water intrusion

The total value of TO#35 is \$96,391.03. Anticipated completion of the work within 30-days of receipt of materials on island (estimated Jan/Feb 2024). The Receiver will be working with GSWA to potentially obtain a FEMA grant to offset the cost of these upgrades.



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Brown & Caldwell Presentation on Ordot Dump Closure Design

- *Any questions from last meeting?*



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Ordot Dump Post-Closure O&M Contracting Strategy

GSWA Approach

- Give B&C notice in May 2024 that there will be no extension for next 5 years (May 2026-April 2031)
- GSWA issue RFP just for technical aspects of O&M, with Receiver's input
- GSWA issue other procurements or negotiate for other similar services done for GSWA

Alternative Approach

- Issue RFP and procure services before May 2024 deadline for B&C notice
- Receiver, with GSWA input, issue RFP for scope with input by GSWA, and GEPA/USEPA.
- GSWA issue other procurements or negotiate for other similar services done for GSWA

- Advantages of alternative approach:
 - Results compiled/compared to current B&C pricing for next 5 years
 - Select lowest pricing: B&C versus alternative approach
 - Receiver has more purchasing flexibility than GSWA
- Need to start this process now so results known in April 2024



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Other Questions?



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