

MEMORANDUM

**TO: GSWA BOARD OF DIRECTORS, GSWA GM, GSWA COMPTROLER, GSWA ATTORNEY,  
FEDERAL RECEIVER, FEDERAL RECEIVER ATTORNEYS**

**FROM: CHACE ANDERSON**

**DATE: OCTOBER 25, 2024**

**SUBJECT: TRANSITION OF MANAGEMENT AND OPERATIONS OF POST CLOSURE ORDOT DUMP  
FROM RECEIVER TO GSWA**

---

**Introduction**

The Federal Receiver for the Guam Solid Waste Authority and the Guam Solid Waste Authority's (GSWA) Board of Directors and management have worked together to develop the following transition plan for the Court's consideration. The purpose of this memorandum is to provide the Court with a plan that the Receiver and GSWA agree to follow when the Court approves the transition of management and operations of the closed Ordot Dump from Receiver to GSWA. This submission to the Court includes a plan that has specific items to be completed and a timeline for its completion.

**Background**

On August 31, 2011, the Ordot Dump was closed to receiving Municipal Solid Waste. In 2013 the Closure Plan was completed, accepted and approved by GEPA (GovGuam), and USEPA, followed by construction beginning in 2014. Construction was completed in February, 2016. A Construction Closure Certification Report was submitted to GovGuam and USEPA, which accepted this report in July 2017. In total, \$76,353,344 was spent on the original design and construction and most recently an additional \$96,391 was spent during the post-closure period to make infrastructure modifications that increased the resilience of the closure system to improve its capability to withstand certain power outages and heavy precipitation events. Currently, the recently established RCRA compliant Trust Fund set up by the GSWA and the Receiver is funded with approximately \$32.5 million. Also, Brown and Caldwell's Year 7 (June 2024 through May 2025) budget in its contract is approximately \$1.1 million.

**Approach to Managing the Ordot Dump Post-Closure Facility**

The GSWA Board of Directors and its management will be responsible for the closed Ordot Dump and the daily operations and maintenance of the closure system using the current contract between the Receiver and Brown and Caldwell, which will be assigned to GSWA and ends in September 2027. All current activities related to the Ordot Dump's closed facility will

## MEMORANDUM

remain intact until the termination of the existing Brown and Caldwell contract assuming all work by the contractor is performed in accordance with contract. The one caveat to this is in vegetation management, which the GSWA Board and its management believe can be performed in a more cost-effective manner than is currently being done. The parties believe that such a change in who does work activities such as weed eating and mowing is reasonable to explore.

GSWA management has designated three (3) current GSWA employees who will be responsible for replacing the oversight the Receiver has performed for the management of the closed Ordot Dump.

Irvin Slike is currently the General Manager for GSWA. He has a background in solid waste that includes overseeing closed disposal sites. Dan Galiza has approximately 17 years as an engineer for the Guam Water Authority and, beginning in April 2008, worked with the Receiver to manage the daily work activities at the Ordot Dump before it was closed to receive Municipal Solid Waste for disposal. After the termination of the Ordot Dump's acceptance of solid waste was implemented, he began and continues to work as a contract manager in charge of the Layon Landfill, Residential Transfer Station, and Household Hazardous Waste Facility. He currently oversees the work activities for GSWA to comply with permits related to the Layon Landfill. His background at GWA provides him with a particular set of skills that would be of use at the closed Ordot Dump as it relates to storing and pumping leachate to GWA and storm water management.

As the Court is aware, Receiver representative Chris Lund, a Professional Engineer with training and extensive background with landfills, currently performs the oversight of the work of the contractor at the closed Ordot Dump as well as edits and writes permit and consent decree required reports. Approximately 35 percent of his regular full-time is currently being used for the oversight of the closed Ordot Dump. GSWA will assume these hours and more, if needed, between the combined efforts of Mr. Slike and Mr. Galiza.

Supporting Mr. Slike and Mr. Galiza in this effort will be William Janasak a licensed Professional Engineer on Guam working with EA Engineering, Science, and Technology, Inc., which GSWA has under contract to provide professional services. GSWA has stated that the current contract allows GSWA to utilize Mr. Janasak for work activities at the closed Ordot Dump. [Subject to GSWA Counsel and Guam Attorney General's office review for compliance with Guam procurement laws and regulations.]

GSWA's current Comptroller is Kathrine Kakigi who is well known to this Court from her prior job as the Finance Manager at GovGuam's Department of Administration (DOA). The Receiver has worked with her since 2008. Her experience working with the Receiver, in her previous role as the Finance Manager for GovGuam's DOA, and now as Comptroller for GSWA and her training as a certified accountant makes her especially prepared to assume the financial management responsibilities associated with the closed Ordot Dump, including decisions relating to the investment of the trust established to fund the remaining closure activities,

## MEMORANDUM

requirements for escalation adjustments, if required, and process for reimbursement and other withdrawals. Mr. Gershman and Ms. Kakigi currently work together to make sure GSWA finances related to the Ordot Dump are managed and organized. This will continue into the transition and the parties are confident that this will be a seamless transition. Mr Gershman currently spends approximately 153 hours annually performing this work. Mrs. Kakigi can assume this work into her monthly activities at GSWA and can do so relatively quickly.

### **Training**

The parties have agreed to create a formalized training program both in seminar and on-site settings. The training will be dedicated to informing designated GSWA personnel and its contractor on the overall system that makes up the closed Ordot Dump and on the operations and maintenance needed to support that system.

The Receiver and Brown and Caldwell will prepare together the curriculum described below, provide existing appropriate documents in a binder for each participant from GSWA. Irvin Slike, Dan Galiza, and William Janasak will be participating on behalf of GSWA.

### **Training Course Outline:**

#### Overview:

- Regulatory and Consent Decree Responsibilities
  - Current regulatory and remaining consent decree requirements for GSWA

#### Specific Discussions:

- Ground Water Collection and Handling Systems
  - System Parameters
  - Manufacturer and lifespan
  - Operations
  - Maintenance
- Surface Water Drainage System
  - System Parameters
  - Manufacturer and lifespan
  - Operations
  - Maintenance
- Leachate Collection and Removal System
  - System Parameters
  - Manufacturer and lifespan
  - Operations
  - Maintenance
- Landfill Gas Collection System

MEMORANDUM

- System Parameters
- Manufacturer and lifespan
- Operations
- Maintenance
- Landfill Gas Control System
  - System Parameters
  - Manufacturer and lifespan
  - Operations
  - Maintenance

**Timeline**

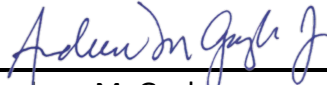
Once the Court orders the transition process from Receiver to GSWA to begin, the parties will set the dates for the training sessions and Mr. Gershman and Mrs. Kakigi will work together to hand off the Receiver’s remaining financial responsibilities to GSWA.


The contract with Brown and Caldwell will officially be assigned over to GSWA. The parties believe these activities could be completed within 60 days under normal circumstances. Once the tasks have been completed successfully, the parties will report the status of the transition to the Court no later than sixty (60) days after the Court’s order to initiate the transition process. Upon completion of these tasks, the Receiver will notify the Court that GSWA has successfully achieved these tasks and the parties will request the Court order transition of the Ordot Dump Post-Closure Facility to GSWA.

**Conclusion**

Both parties have worked together to agree on this transition plan and believe the transition can be implemented in a successful and methodical manner.

**AGREED UPON BY:**

 30 October 2024  
\_\_\_\_\_  
Andrew M. Gayle Date  
Chairman, Guam Solid Waste Authority Board of Directors

 October 31, 2024  
\_\_\_\_\_  
Harvey W. Gershman Date  
Federal Receiver Representative for the Guam Solid Waste Authority,  
Gershman, Brickner & Bratton, Inc