



Guam SOLID WASTE RECEIVER



Briefing for the GSWA Board



November 20, 2025
1:00 PM ChST



Receiver Presentation Topics

- I. GBB appeal of District Court's Immunity Decision
- II. District Court Order re Global Mediation
- III. GWA Leachate Treatment Invoice Dispute
- IV. Cessation Certification
 - Status of the EPA Additional Work
- V. Ordot Dump Operations
 - Leachate Status
 - Ongoing Routine and Non-Routine Operations
- VII. Ordot Dump Post-Closure Funds



I. GBB Appeal of Immunity Decision to the 9th Circuit in the Consent Decree Case

- GBB appealed the District Court's decision regarding Receiver's immunity to the 9th Circuit Court of Appeals
- GovGuam filed Motion to Dismiss GBB's appeal based on lack of jurisdiction
- On Oct. 23, 2025, the 9th Circuit **denied** GovGuam's Motion to Dismiss without prejudice
 - Opening brief is due on December 5, 2025
 - Answering brief is due on January 5, 2026
 - Optional reply brief is due 21 days after answering brief is served



II. District Court Order re Global Mediation

- District Court's Oct. 14, 2025 Order in Consent Decree case directed parties to file statement indicating whether they wish to participate in global mediation with the 9th Circuit
- 9th Circuit preliminary mediation call on Nov. 5, 2025 - all parties involved in the GWA lawsuit, Consent Decree case, and Contractor's case participated
- GSWA representatives Andrew Gayle, Shannon Taitano, and Irv Slike also participated in mediation call



Cont'd

- Topics discussed included:
 - Whether parties were amenable to participating in global mediation
 - Process for selecting a private mediator
 - Stay of the various lawsuits
- Parties agreed to mediator selection process:
 - Parties to propose up to three names of private mediators by Nov. 14, 2025
 - Follow up conference with 9th Circuit mediators on November 19, 2025 (CHsT)



III. GWA Leachate Treatment Invoice Dispute

- Receiver notified GWA of malfunction meter readings at Ordot between Jan. 17 – Feb. 12, 2025 and questioned the billing for January and February 2025 leachate treatment charges
- Prior to January 17- 2025 average leachate flow was 20,000 gallons per day
- Between Jan. 17 – Feb. 12, 2025 the average leachate flow was approximately 70,000 gallons per day with an estimated overbilling of approximately 50,000 gallons per day
- GWA was notified on February 6, 2025 and Receiver was informed on February 12, 2025 that GWA resolved the issue



Cont'd: GWA Invoice Dispute

- Receiver provided a leachate flow report which summarizes the difference between GWA's flow meter and the estimated flow based on SCADA pump on/off records
- ***This data confirms GWA meter overcharged for leachate treatment by at least 370% between 1/17/25 - 2/12/25***

Date	GWA Meter		SCADA		SCADA	
	Daily Flow [gallons per day]	(Design ¹) [gallons per day]	Design	(Field Observation ²) [gallons per day]	Field Observation	% Diff
Total: 1/17/2025 to 2/12/2025	2,405,095	470,610	411%	511,948	370%	
Total: 1/1/2025 to 2/28/2025	2,998,745	995,190	201%	1,078,774	178%	

Note:
Design represents pumping rate in the original design report, July 2013.
Field observation represents actual pumping rate observed.



Cont'd

- On 10/10/25 GWA counsel informed Receiver's counsel:

GWA confirms that a credit is warranted for the disputed billings raised due to the meter readings registered and not due to any "malfunctioning meter" as no meter replacement or part change occurred.

- The Receiver has requested several times but has not been provided the revised January and February 2025 invoices from GWA reflecting the correct leachate treatment cost



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IV. Cessation Certification Status of the EPA Additional Work

Status of Additional Investigations for EPA requested Data

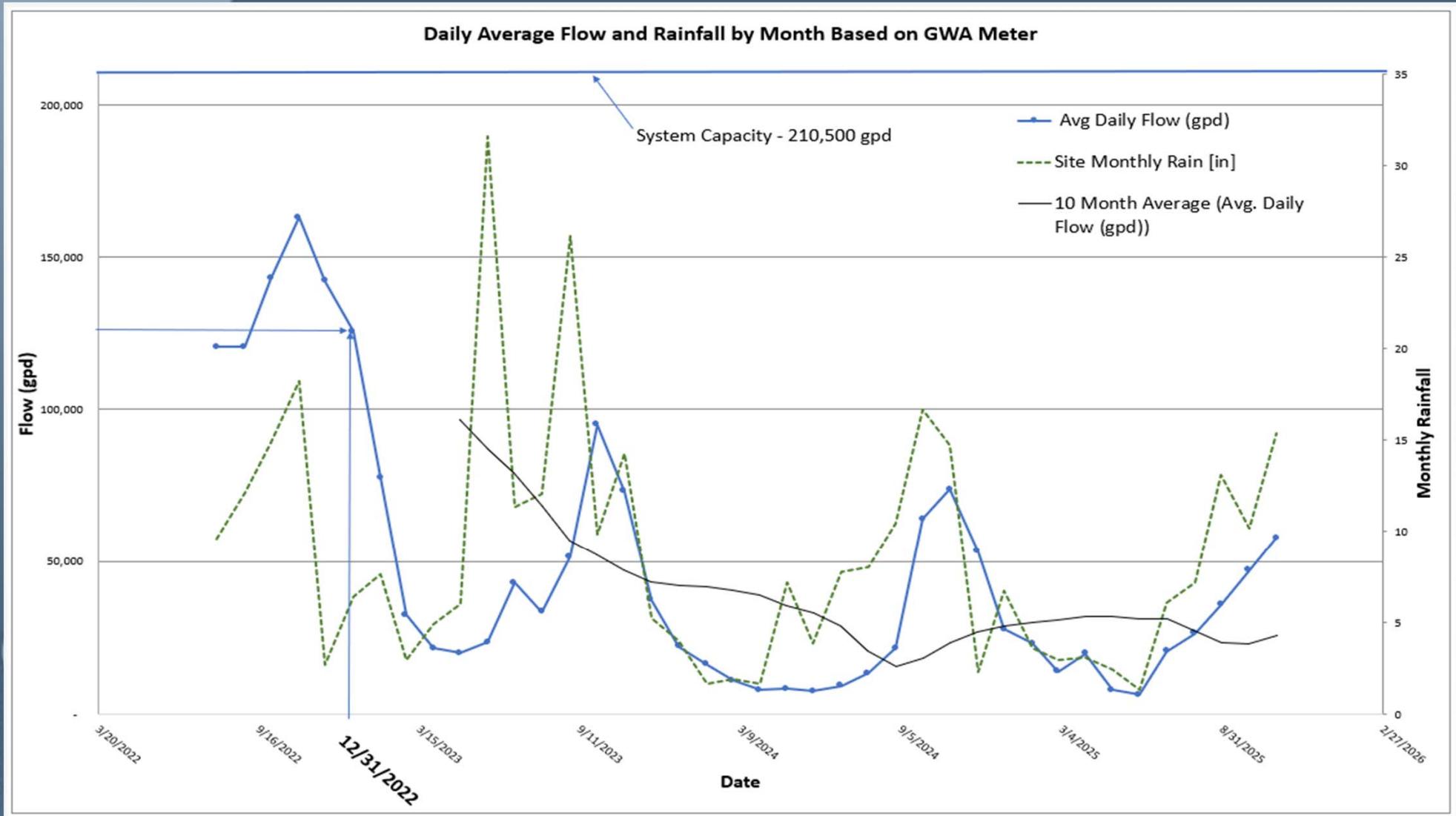
- Key milestones and activities since last month's Board report on October 23, 2025:
 - Drilling work initiated September 29, 2025
 - USEPA Site Visit October 21, 2025
 - Drilling of boreholes and well construction completed October 24, 2025
 - Status meetings with USEPA, Nov 5 & 6, and Technical Group Nov. 6
 - First of two sampling events in wet season completed Nov. 14
 - Second of two sampling events scheduled for Dec. 14/15
 - Preparation of a field investigation summary report underway at request of USEPA



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V. Ordot Dump Operations Leachate Status





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V. Ordot Dump Operations (cont'd) Leachate Status

- Prior Dero Road leaks are no longer impacting the Ordot Dump Facility
- We continue to look for trends
- We check leachate flows regularly

Year	Leachate (Gallons)
2022 (GWA leaks repaired in December)	40,976,930
2023	15,870,700
2024	9,473,154
2025 (thru October)	7,585,285*

*Estimated due to GWA metering malfunction



V. Ordot Dump Operations (cont'd) Leachate Status

GWA Leachate Volume Treated and Treatment Cost

Year	Gallons	Cost \$
2022	40,976,930	\$1,126,653.88
2023	15,870,700	\$ 358,176.30
2024	9,473,154	\$ 152,382.65
2025 (thru October)	7,585,285*	\$ 130,675.43

*Estimated due to GWA metering malfunction



V. Ordot Dump Operations (cont'd) Ongoing Routine and Non-Routine Operations

- Ongoing Routine Operations
 - No changes – continue to provide timely and appropriate reporting
- Non-Routine Operations
 - **Storm swale repair construction:** final contract closeout and documentation ongoing.
 - **Soil Vapor Extraction**
 - Trenching for pipe connect and horizontal extraction well installation anticipated to be initiated in next two weeks
 - We provided weekly updates on activities to GSWA, GEPA



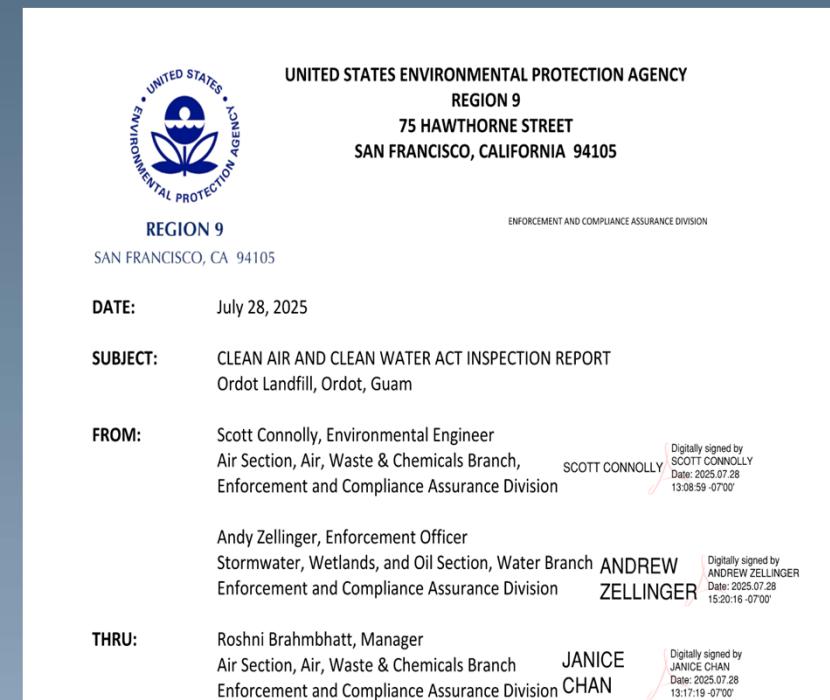
V. Ordot Dump Operations (cont'd) Ordot Dump Non-Routine Ops Cost Review

Non-Routine Work Orders	Description	Purpose	Status	Cost
WO 48	SVE Horizontal well and pipe trenching	Operations	Anticipate start in 2 weeks	\$306,000
WO 49	Continuation of Seep and Leachate Flow Analysis (12 mos.)	Consent Decree - USEPA	To be needed when WO 39 ends	TBD



V. Ordot Dump Operations (cont'd)

- And finally, USEPA conducted an unannounced inspection June 6, 2025
- Purpose: To determine compliance with Clean Air Act and Clean Water Act
- Two GEPA staff representing Govguam attended
- **No Clean Air Act Concerns**
- **No Clean Water Act Concerns**





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VI. Ordot Dump Post-Closure Funds

Bank of Guam Account	Balances as of September 30, 2025	Balances as of October 31, 2025
TDOA Treasurer***3788	\$ 484,866.13	\$ 460,994.56
Investment 5159***	\$ 4,781,566.65	\$ 4,793,616.12
RCRA Trust 5175***	\$ 33,865,490.10	\$ 33,985,182.29
Total	\$ 39,131,922.88	\$ 39,239,792.97



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Si Yu'us Ma'ase



GBB
SOLID WASTE
MANAGEMENT
CONSULTANTS