




**Guam** SOLID WASTE RECEIVER

Quarterly Report  
of  
Receivership for the Government of Guam  
Guam Solid Waste Authority  
Pursuant to the Order of the  
United States District Court of Guam

Presented by  
Gershman, Brickner & Bratton, Inc.  
May 21, 2013




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## 1. ORDOT DUMP CLOSURE PROGRESS

July 2012 – March 2013



  
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Ordot Dump – February 2013

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## Ordot Dump Closure Progress

- Site investigation work
- Closure plan development and review
  - Cover equivalency demonstration
  - 40 Percent Draft Closure Plan
  - Final Draft Closure Plan
- Leachate collection and treatment
- Land acquisition
- Dero Road renovation design

  
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## Ordot Dump Closure Progress

### Site Investigation Work - Findings

Hydrogeologic Investigation – Completed third (Nov. 2012) and fourth (Feb. 2013) quarter monitoring events

Results:

- Groundwater – Primary remedial action required is installation of closure cover
- Surface Water – Leachate discharges negatively impact west side drainage and subsequently Lonfit River; primary remedial action is the installation of the leachate collection system
- Lonfit River Sediment Samples – No negative impact from the leachate indicated

  
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West Side

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### Ordot Dump Closure Progress



#### Site Investigation Work - Findings (cont'd)

- Soil (surface and subsurface) sampling
  - No constituents of concern detected at levels of concern; no widespread impacts from the Dump operation
- Landfill gas
  - Gas generation rate is not sufficient volume to cost-effectively develop a landfill gas-to-energy project
  - Landfill gas is a greenhouse gas present in quantities that must be controlled
  - Control will be accomplished by gas collection system and properly disposed of through a gas flare





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### South Side

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### Ordot Dump Closure Progress

#### Closure Plan Development



Cover system requirements

- Prescribed by EPA regulations
- Any proposed cover system must be at least equivalent to these EPA requirements
- Ordot Dump has some unusual conditions to be considered
  - Steep slopes
  - Tropical climate
  - Typhoons
  - Seismic activity
- Given these conditions, a geomembrane cover system is proposed to better protect the environment



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### Ordot Dump Closure Progress

#### Closure Plan Development

Approval of the geomembrane cover system



- To better address the conditions at the Ordot Dump, the Receiver submitted an alternative cover system design
- After careful review:
  - January 25, 2013. EPA indicated the Receiver demonstrated technical equivalency
  - February 22, 2013. GEPA as the regulating authority issued its approval of the cover design



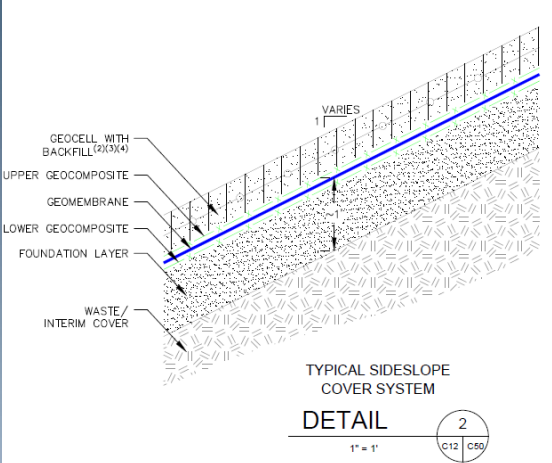
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## Ordot Dump Closure Progress Cover System





TYPICAL SIDESLOPE  
COVER SYSTEM  
DETAIL


1" = 1'

2  
C12 C50

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Example of geocell on sideslope before fill placement

Source: Prestigeo.com

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### Ordot Dump Closure Progress


#### Initial Draft Closure Plan

- July thru November 2012. Plan development
- November. Guam meetings with EPA, GEPA, USACOE and other resource agencies to discuss conceptual design and major aspects of plan; site visits to Ordot
- December 3, 2012. Submitted plan to EPA and GEPA for review
- Mid-December. Design plans related to wetland mitigation and restoration provided to USACOE
- Mid-January 2013. EPA comments to the plan received
- January 31-February 2, 2013. EPA, GEPA and Receiver meetings to address comments and move forward with Final Draft Plan
- Wetland mitigation/restoration addressed throughout this process and coordination with USACOE



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### Ordot Dump Closure Progress



#### Final Draft Closure Plan

- November 2012-February 2013. Plan development
- March 8, 2013. Plan submitted to EPA, GEPA for review
- March 22, 2013. Meeting in San Francisco to address EPA Water Division comments
- EPA comments on the Final Draft Closure Plan under review by the Receiver
- GEPA comments still pending
- July 1. Anticipated construction bid date for final closure plan



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## Ordot Dump Post Closure Cost

- Closure must be maintained for 30 years
- First year cost is estimated to be \$533,129
- 30-year cost total cost is \$18,626,404
- Landfills typically accumulate these funds throughout their working years
- Inflation is assumed to be 3 percent annually and interest income is assumed to be 2 percent annually
- With these assumptions the required deposit to secure post-closure care is:

**\$14,292,170**

  
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## 2. LAYON LANDFILL AND CONSENT DECREE PROJECTS July 2012 – March 2013


  
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### Environmental Monitoring and Compliance

- Continued bi-weekly GEPA/EPA/Receiver coordination meetings for all regulatory and permit aspects of work
- Ensured ongoing compliance with all permits
- Ongoing Landfill Facility Permit compliance
  - Performed quarterly sampling for stormwater
  - Performed sub-drain tank monitoring
  - Obtained renewal of operating permits as required



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### Environmental Monitoring and Compliance (cont'd)

- Inarajan WWTP monitoring
  - Monitored marine waters and wastewater throughout period
  - Submitted fifth, six and seventh quarterly monitoring reports (Mar. 2012–Nov 2012) to GWA, GEPA and EPA
  - Results through February 2013: Plant is handling new flows from landfill without adverse impacts to the WWTP
- Harmon Transfer Station
  - Operations Permit application submitted and under review



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### Residential Transfer Stations



Agat, Dededo, Harmon, Malojoj

- Permits now required as condition of Layon Landfill permit
- Harmon Transfer Station under construction
  - November 9, 2012. Issued Notice to Proceed
  - Anticipated completion date: September 2013
  - Facility includes Household Hazardous Waste (HHW) facility, recycling drop-off containers, compactors for trash and cardboard, GSWA vehicle wash system, GSWA vehicle lot
- Upgrades to other residential transfer stations to follow



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### Residential Transfer Stations

(cont'd)



#### Harmon Construction

March 2013




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## Residential Transfer Stations (cont'd)


- Design Development (Agat, Dededo & Malojloj)
  - December 2012. Design work initiated for all three
  - March 2013. 30% design presented for internal review by Receiver, design ongoing
  - Ongoing consultation with GWA, GPA and other resource agencies
- Environmental Investigation Status
  - Agat: Environmental Phase II investigation underway to characterize material and site
    - Fieldwork ongoing
  - Dededo: Environmental Phase II investigation to be initiated in next quarter


  
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## Residential Transfer Stations (cont'd)

### Agat Investigation




  
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### Household Hazardous Waste Program

- A requirement of the Consent Decree
- HHW facility and collection program – GSWA responsibility
- HHW facility, co-located with the Harmon Residential Transfer Station, now under construction
- Planned collection of HHW at all four GSWA residential transfer stations satisfies the requirement for a collection program
- Procurement for the operation of the program ongoing




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### 3. OPERATIONS OF THE GUAM SOLID WASTE AUTHORITY



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### Residential Trash Collection

Customer base stable for past 2 years  
averaging 16,797 per month

**GSWA Residential Customers**  
March 2010 to March 2013




Date	Number of Customers
Mar-10	12,500
Sep-10	20,000
Mar-11	17,000
Sep-11	17,000
Mar-12	17,000
Sep-12	17,000
Mar-13	17,000



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### Administration

- Continued to focus on overdue accounts
  - Customer Service Representative make calls, send letters to customers 60 and 90 days behind in payments
  - 1,534 trash carts repossessed for non-payment during reporting period
  - 67% of those customers paid overdue balances and had service restored
- Implemented online billing and payment system
  - Customers can review accounts, receive and pay bills online
  - More than 2,000 customers have registered
- GSWA staff number 55, down 44% from 2008
- Implemented employee recognition awards





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## Employee Recognition

- Employee of the Quarter: Joseph Babauta, Alicia Fejeran, Jesse Murakami, and Frank Babauta
- Certificates of Achievement: Junior Perez, Frank Babauta, Luis Mesa, and Harold Charfauros.
- Certificates of Appreciation: Yak Diaz, Benny Cruz, Keilani Mesa, Frank Babauta, Justin Muna, Kenneth Borja, Nelson Beltran, Joseph Acfalle, Ronald Rivera, Raymond Quitugua, Junior Perez, JoPatrick Qunata, Justin Lujan, and Valarie San Nicolas




  
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## Curbside Recycling Pilot Program

- Continued pilot program for 1,000 customers
- Collect paper, aluminum and metal cans, plastics #1 and #2
- Issued Invitation for Bid for a recycling processor; bids received April 11
- Bids will facilitate assessment of economic feasibility of implementing island-wide curbside recycling



  
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### Residential Trash and Bulky Waste Collection





- Performed 645,567 residential trash collections; 99.72% on time
- 13 cart repairs needed during the quarter
- Performed 553 bulky waste collections; picked up 1,445 large items



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### Hauler-Only Transfer Station



- Began operations on September 1, 2011; used by commercial customers, large generators
- Total waste July 1, 2012-March 31, 2013: 65,859 tons, 12,970 loads with an average of 1,441 deliveries/month
- Transports over 90% of the waste received at the Layon Landfill \*
- Vehicles screened for excluded/banned waste
- Consolidating waste at transfer station reduces truck traffic to Layon Landfill



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\* The remaining waste delivered to the Layon Landfill was approved by GSWA for direct delivery to the landfill without going through the Hauler-Only Transfer Station.

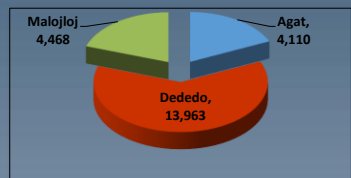
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## Residential Transfer Stations

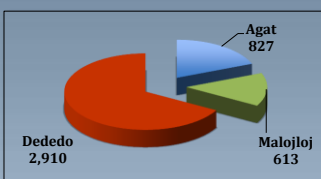
Customers using transfer stations, July 2012 – March 2013

- Customer use of 3 residential transfer stations remains high
- Dededo used most, due to location in densely populated area




Location	Customers
Malojoj	4,468
Agat	4,110
Dededo	13,963

Tonnage disposed at transfer stations, July 2012 – March 2013



Location	Tonnage
Dededo	2,910
Agat	827
Malojoj	613

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## 4. CONTRACT MANAGEMENT AND PROCUREMENT

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## Procurement Activities July 2012- March 2013

- Completed RFP for HHW Program
- Initiated procurement for recyclables processing
- Awarded contract for construction of new residential transfer station at GSWA compound, including the HHW facility



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## 5. FINANCIAL ISSUES AND CAPITAL FUNDING

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### FY2012 Expenditures 9% Below Approved Budget

**Guam Solid Waste Authority  
Summary of Operating Budget  
FY 2012**  
October 1, 2011 to September 30, 2012



Item	Total Annual Budget	Budget to Date	Actual Spending / Revenue to Date	% over (under) Budget
Personnel Expenses	\$3,399,429	\$3,399,429	\$2,802,459	-17.6%
Other Expenses / Reserves	\$14,575,555	\$14,575,555	\$13,560,141	-7.0%
<b>Total Expenses / Reserves</b>	<b>\$17,974,984</b>	<b>\$17,974,984</b>	<b>\$16,362,600</b>	<b>-9.0%</b>
Total Revenue (All Sources)	\$15,947,000	\$15,947,000	\$17,592,307	10.3%
Budgeted From Fund Balance	\$2,027,984	\$2,027,984	\$0	-100.0%
<b>Total Funding Available</b>	<b>\$17,974,984</b>	<b>\$17,974,984</b>	<b>\$17,592,307</b>	<b>N/A</b>
<b>Surplus / (Deficit)*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,229,708</b>	<b>N/A</b>

\* Surplus goes to reserve for future years (i.e., fund balance) and deficits are covered by the same reserve.



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### FY2012 Revenue Billed and Collected

**GSWA Revenue Billed / Collected**  
October 1, 2011 through September 30, 2012



Customer Class	Billed	Collected	%
Commercial	\$ 10,718,078	\$ 10,305,060	96.1%
Residential	\$ 6,456,139	\$ 6,383,137	98.9%
Government	\$ 348,583	\$ 52,801	15.1%
<b>Total</b>	<b>\$ 17,522,800</b>	<b>\$ 16,740,998</b>	<b>95.5%</b>

Note: Amount collected is on a cash basis. Transfer Stations are included in the residential category. Interest income excluded.



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### FY2013


Expenditures 20.2% below approved budget

**Guam Solid Waste Authority  
Summary of Operating Budget  
FY 2013**

October 1, 2012 to March 31, 2013



Item	Total Annual Budget	Budget to Date	Actual Spending / Revenue to Date	% over (under) Budget
Personnel Expenses	\$2,678,600	\$1,339,300	\$1,101,852	-17.7%
Other Expenses / Reserves	\$14,993,300	\$7,496,650	\$7,306,957	-2.5%
<b>Total Expenses / Reserves</b>	<b>\$17,671,900</b>	<b>\$8,835,950</b>	<b>\$8,408,809</b>	<b>-4.8%</b>
Total Revenue (All Sources)	\$18,368,200	\$9,184,100	\$9,007,819	-1.9%
Budgeted From Fund Balance	\$0	\$0	\$0	0.0%
<b>Total Funding Available</b>	<b>\$18,368,200</b>	<b>\$9,184,100</b>	<b>\$9,007,819</b>	<b>N/A</b>
<b>Surplus / (Deficit)*</b>	<b>\$696,300</b>	<b>\$348,150</b>	<b>\$599,009</b>	<b>N/A</b>

\* Surplus goes to reserve for future years (i.e., fund balance) and deficits are covered by the same reserve.



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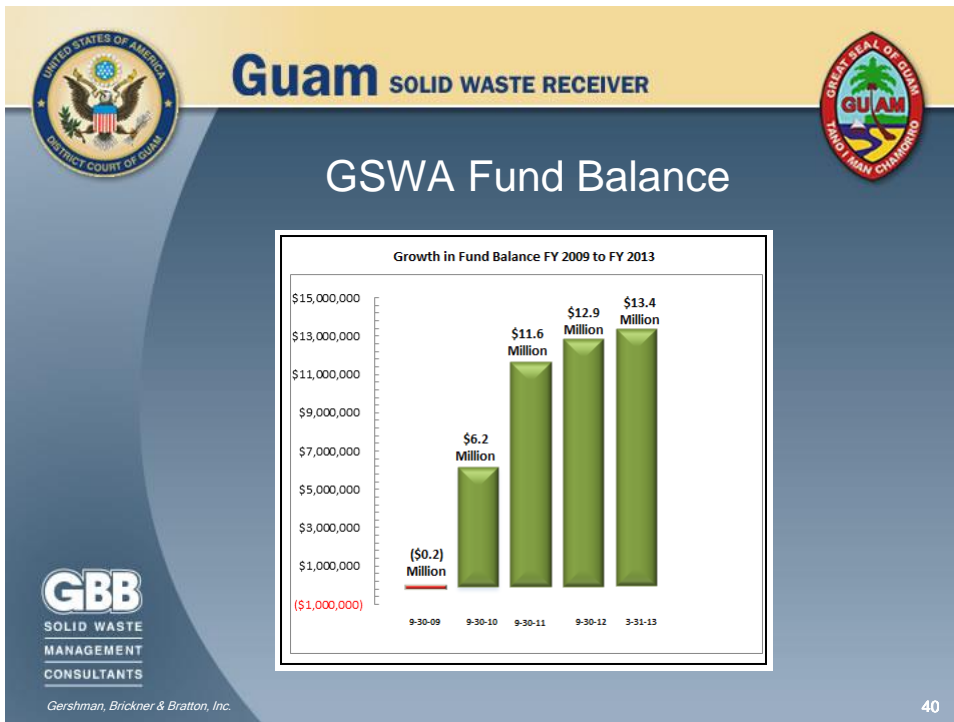
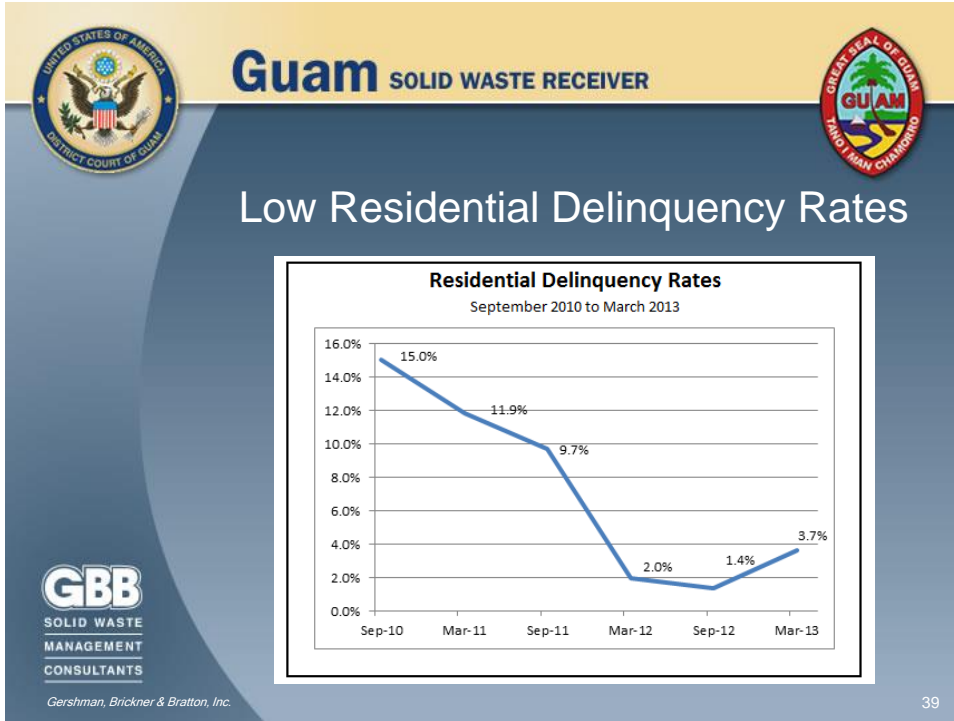
### Collections from Other Accounts

- Guam Waterworks Authority (GWA)
  - GWA's account balance on March 31, 2013 was \$1,179,450.41
  - PUC approved GWA rates which include funds to pay past balance and cost of disposal going forward
  - GWA paid \$125,000 in March and April
- Other government customers owed \$90,458.26 on March 31, 2013
  - Receiver continues to work with Dept. of Administration to address unpaid balances
- Large commercial accounts
  - Constitute highest priority in collection efforts
  - One account, Lagu Sanitation, has requested modifications to its settlement agreement, now under Receiver review
  - Other account balances are current

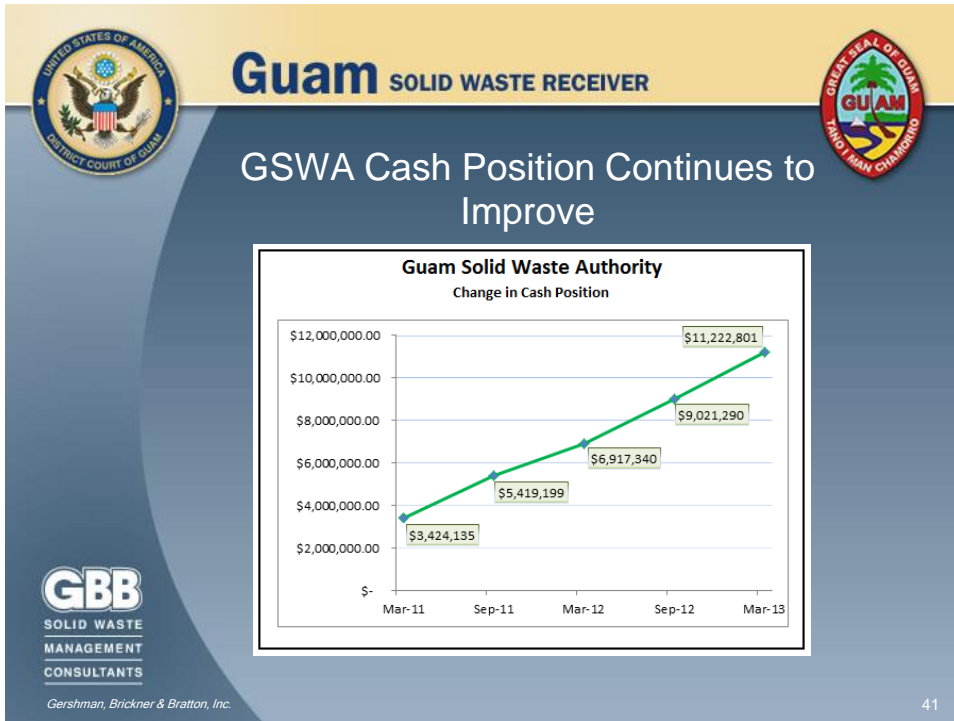


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- ## Guam SOLID WASTE RECEIVER
- ### Capital Funding Requirements for Receiver Consent Decree Projects
- Additional costs to be covered include:
- Cost for closure of the Ordot Dump
  - Contract completion of the Ordot Dump design and environmental investigation contract
  - Final construction costs for the Layon Landfill
  - Construction of Harmon Residential Transfer Station and Household Hazardous Waste Facility
  - Residential transfer station upgrades (condition of Layon Landfill Permit)
  - Dero Road upgrades (required by Guam Law)
  - Construction management cost for all of the above projects
  - Route 4 safety enhancements (public safety and Court Order)
  - Contingency for the Inarajan WWTP upgrades
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### Capital Funding Requirements for Receiver Consent Decree Projects

- All capital funding is from the 2009 Section 30 Bonds
- Current estimates for the cost of all of the Receiver Consent Decree Projects (submitted under seal to the Court) project a shortfall in capital funding



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### Capital Funding Requirements for Consent Decree Projects (cont'd)



To ensure that the closure of the Ordot Dump remains on track for completion, we recommend the following strategy:

- Complete planning and design for all projects
- Bid the Ordot Dump construction and get it under contract
- Defer construction contracts for all other projects until funding is sufficient to fund the other projects in the following order:
  1. Residential transfer station upgrades
  2. Dero Road upgrades
  3. Route 4 safety enhancements
  4. Inarajan WWTP expansion and leachate pre-treatment contingency



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### Capital Funding Requirements for Consent Decree Projects (cont'd)

- Significant additional cost will also result from the request of the Governor's Office, if approved by the Court, to change legal counsel
- As the Court has noted, the Attorney General has been an important part of the progress made to date
- The work of the Attorney General has saved the Government of Guam hundreds of thousands in legal expenses to date
- If the Receiver has to retain private counsel, it will significantly increase expenses
- Of particular concern is the Attorney General's work to clear up land ownership issues on lands required for the closure of the Ordot Dump
- A change in legal representation would likely delay the final closure of the Ordot Dump



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### Layon Landfill Land Judgment

- Lt. Governor is seeking the use of the funds available to the Receiver to pay the judgment of the Superior Court of Guam for the value of land acquired by Government of Guam for the Layon Landfill
- The Lt. Governor put the cost of the judgment at \$28,245,932.36 as of February 1, 2013
- Receiver's position:
  - All capital savings should be reserved for the closure of the Ordot Dump and to meet requirements of the Consent Decree for which the Receiver is responsible
  - Court's Order dated November 3, 2011, requires that the remaining capital funds be preserved for the final closure of the Ordot Dump
  - Any remaining capital funds, after all Consent Decree requirements outlined in this Report are complete could be available for paying the judgment



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### Layon Landfill Land Judgment

- Payment of this judgment from the remaining funds would seriously impair the ability of the Receiver to complete the closure of the Ordot Dump
- It is likely that the Government of Guam will need to produce additional capital funds to complete the Consent Decree projects
- It is certain that the Government of Guam will need to produce additional capital funds to both complete the Consent Decree projects and pay the judgment
- We have offered to assist the Government, as we did with the 2009 Bond Issue and the USDA loan, to acquire additional capital



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### Receiver's Comments on Governor's Office Response to Former Landowners



- Layon Landfill site was chosen and acquired by the Government of Guam before the Receiver was appointed – Not a Receiver responsibility
- GovGuam's Bond Counsel says that there is no requirement that the 2009 Section 30 Bonds be used to pay the former landowners
- GovGuam has had more than enough time to have financed the payment to the former landowners but is instead attempting to divert the funds needed to close the Ordot Dump
- Guam's debt ceiling presents no barrier to acquiring additional financing to pay the former landowners



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### Receiver's Comments on Governor's Office Response to Former Landowners (cont'd)

- Governor's Office says the closure of the Ordot Dump is not due immediately but closure is years past the Consent Decree's requirement
- Continuing to delay the closure of the Ordot Dump is neither fiscally prudent nor responsible
- Lt. Governor has suggested that federal grants should be sought to close any shortfall in the funds needed to close the Ordot Dump
- The Court authorized the Receiver to assist the GovGuam in its successful effort to receive over \$100 million in grants and loans from USDA but GovGuam turned the money down



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### Options for the Government of Guam to Pay Additional Cost

1. Await bids on closure and other Consent Decree projects and use the remaining bond money, if any, to apply to payment of the landowners judgment
2. Ask USDA to allow GovGuam to have the \$103 million in loan / grants that GovGuam previously rejected
3. Evaluate refinancing the 2009 Section 30 Bonds as revenue bonds to determine if a lower interest rate is possible and to relieve GovGuam of payment through Section 30
4. Reduce cost of Receiver projects by reducing GovGuam imposed requirements
  - A. Upgrades to Dededo, Agat and Malojloj Residential Transfer Stations (GEPA requirement)
  - B. Dero Road required upgrades (DPW requirement)
  - C. Route 4 Safety Enhancements (fund with DPW money)



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### Options for the Government of Guam to Pay Additional Cost (con't)



5. GovGuam could increase solid waste rates to pay for additional financing
  - A. Receiver outlined this option for the PUC and GovGuam last summer
  - B. No action has been taken
6. Explore other options with GovGuam's own financial advisers

These are policy choices for the Government of Guam to make.



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## Guam SOLID WASTE RECEIVER

### Waste Disposed at Layon Landfill

Growth in waste disposed has slowed



Customer Group	FY 2011	FY 2012	% Change
Residential	19,791	20,291	2.5%
Commercial	51,992	54,289	4.4%
Military	-	8,285	N/A
Government	2,150	2,057	-4.3%
Mayors	1,399	1,412	0.9%
Transfer Stations	5,379	5,540	3.0%
Other	55	118	116.9%
<b>Total</b>	<b>80,765</b>	<b>91,992</b>	<b>13.9%</b>

Customer Group	FY 2012	FY 2013	% Change
Residential	10,221	9,844	-3.7%
Commercial	27,401	26,717	-2.5%
Military	3,902	4,034	3.4%
Government	1,029	2,797	171.9%
Mayors	686	796	16.0%
Transfer Stations	2,806	2,939	4.8%
Other	50	36	-28.8%
<b>Total</b>	<b>46,094</b>	<b>47,163</b>	<b>2.3%</b>




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## 6. SCHEDULE FOR FINAL CLOSURE OF ORDOT DUMP AND TRANSITION OF RECEIVERSHIP



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# Guam SOLID WASTE RECEIVER


## Ordot Dump Closure Schedule

**Current Receiver Schedule for Closure of the Ordot Dump**

2011			2012			2013			2014			2015															
Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Monitoring and Environmental Investigation												Reg Review and Public Comment			Bidding, Award and Contracting			Construction and Final Closure						Construction Close-Out and Regulatory Acceptance			
Closure Design																											

**Other Construction Projects to be Completed During this Time-frame**



1. New Harmon Residential Transfer Station and HHW Facility
2. Upgrades and permitting for existing Residential Transfer Stations (Dededo, Malojoc) and Agat) if funds available.
3. Dero Road upgrades if funds available.



Schedule is contingent on adequate capital funding being available at all times and no delays resulting from any change in legal representation.

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## Guam SOLID WASTE RECEIVER

### Transition from Receivership to GSWA Board Control

#### Transition Timeline from Receivership to GSWA Board Control

2013				2014				2015												
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
GSWA Board Functions in an Advisory Capacity to the Receiver																				
Procurement of Legal Services										Development and Approval of Rules and Regulations										
Transition of Temporary and Contract Staff to Regular Staff Positions										Hiring of General Manager										





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**Schedule is contingent on adequate capital funding being available at all times and no delays resulting from any change in legal representation.**


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### 6. NEXT STEPS ARE INCLUDED IN TAB 1 (Narrative Report)



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