



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.
March 5, 2015



Guam SOLID WASTE RECEIVER



Table of Contents

1. Ordot Dump Closure Progress
2. Layon Landfill and Consent Decree Projects
3. Operations of the Guam Solid Waste Authority (GSWA)
4. Contract Management and Procurement
5. Financial Issues and Capital Funding





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1. ORDOT DUMP CLOSURE PROGRESS July 1, 2014 – December 31, 2014



View of Ordot Dump – Mid January 2015



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Ordot Dump Closure Progress

Construction Progress – Phase I (East Half)

- Goals of this phase of work:
 - Place the cover over approximately one-half of the waste pile
 - Begin to collect leachate and control landfill gas
- Poor weather slowed the work

The Receiver currently estimates the overall progress of the work is at least one month behind schedule (as of February 1, 2015). We continue to work with contractor to make up the time to the extent practical





Ordot Dump Closure Progress

Phase I Construction Accomplishments

- Completed East Half Leachate perimeter collection system
 - Collects leachate from the east half
 - Connects to storage tanks and GWA Dero Rd Sewer System
- GWA Dero Rd Sewer System nearly completed by end of period
 - As of January 30, 2015 sewer system operating, sending leachate to be treated at GWA Hagatna treatment plant
 - Sewer construction on Dero Road now complete
 - Decision on rehabilitation of Dero Road pending



Ordot Dump Closure Progress

Phase I Construction Accomplishments

- Completed cover system over majority of East Half of Dump
- Completed stormwater management controls on completed areas of the cover
- Clean stormwater is now diverted from waste to stormwater management ponds
- Completed gas flare / testing to begin



Leachate Storage Tanks and Pumps in Operation



Completed GWA Dero Road Pump Station

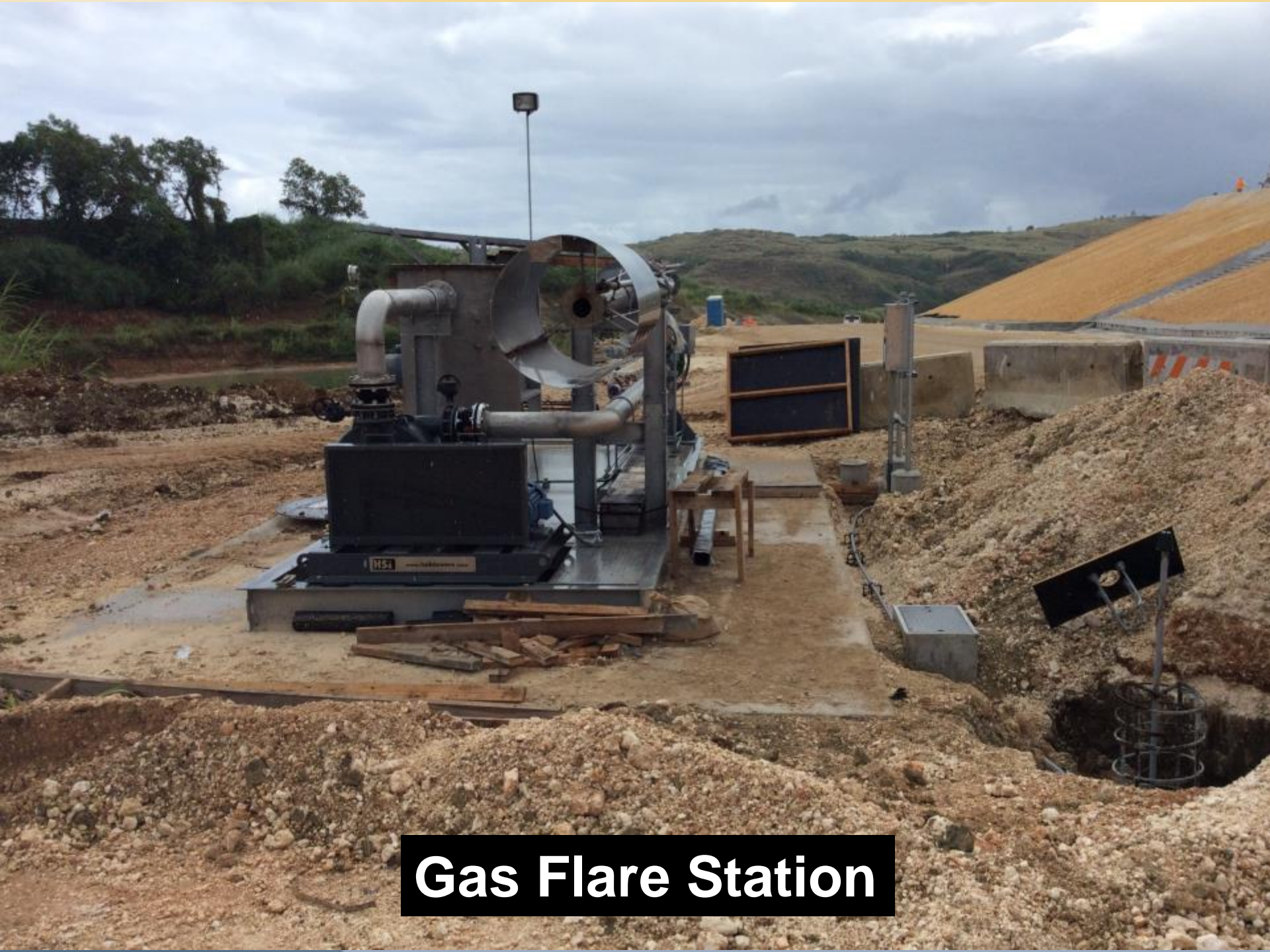


Continued Cover Install in Wet Season

10/27/14



East Half Cover Installation



Gas Flare Station



Down Drains On Cover



EPA Inspects Work



Ordot Dump Closure Progress

Construction Progress – Phase II (West Half)

- Included early initiation and acceleration of several construction activities as weather permitted:
 - Continued west half earthworks
 - Relocating and consolidating Phase II waste
 - Major progress made on installing stormwater controls for west half of Dump
 - Initiated installation of western leachate collection system
 - No Unexploded Ordinance found since August

These provide a “head start” on Phase II work and have accelerated the “catch up” to the construction schedule.



Phase II (West Half) Earthworks



Phase II Waste Removal Away From Dero Road



Phase II – 60-inch SW Pipe Install



Western Leachate Collection System

11/10/14



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2. LAYON LANDFILL AND CONSENT DECREE PROJECTS July 1, 2014 – December 31, 2014



Daily Cover Applied to Waste

12/22/2014



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Environmental Monitoring and Compliance

- Continued regular 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 stormwater monitoring (7/31/14)
 - Performed semi-annual groundwater monitoring (12/2014)
 - Performed quarterly landfill gas monitoring (7/29/14; 11/18/14)

Conclusion: The Layon Landfill meets all applicable environmental standards and regulations.





Environmental Monitoring and Compliance (cont'd)

Operating and Air Draft Permits

- Draft permits issued for 45-day public comment period by GEPA Oct. 8 to November 21 2014
- No public comments received during period
- January 28, 2015 – GEPA issues renewal permits with two special conditions:
 - Residential Transfer Stations must be permitted as a condition of this permit to receive waste from them; and
 - GEPA wants the landfill to begin taking asbestos material for disposal. Asbestos has not been allowed to date but GEPA is requiring a plan to manage asbestos waste be submitted within 45 days



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Environmental Monitoring and Compliance (cont'd)

Inarajan WWTP monitoring

- Continued monitoring marine waters and leachate
- Prepared quarterly monitoring reports for submittal to GWA, GEPA and EPA
- Results through Nov. 2014: Marine Water Quality results consistent with control locations. No indication that the leachate is having a negative effect





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Residential Transfer Stations



Harmon Facility Opened January 23, 2015



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Harmon St Residential Transfer Station and HHW Facility

- Public hearing on the permit was held on Sept 23, 2014
- 45-day public comment period ended Nov 7, 2014
- No comments received during comment period
- Permit issued by GEPA on Jan 16, 2015
- Facility opened Jan 23, 2015
- Now receiving recycling, HHW and trash





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Residential Transfer Stations

Agat, Dededo, Malojloj

- Permits required as condition of Layon Landfill permit and Guam Law
- Harmon Residential Transfer Station
 - Opened January 23, 2015
 - Claim for liquidated damages filed and ongoing correspondence with contractor
- Upgrades to other residential transfer stations on hold pending availability of funds
- GovGuam wants to close the Dededo facility
- No clean-up of Dededo contamination to date





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3. OPERATIONS OF THE GUAM SOLID WASTE AUTHORITY July 2014 – December 2014

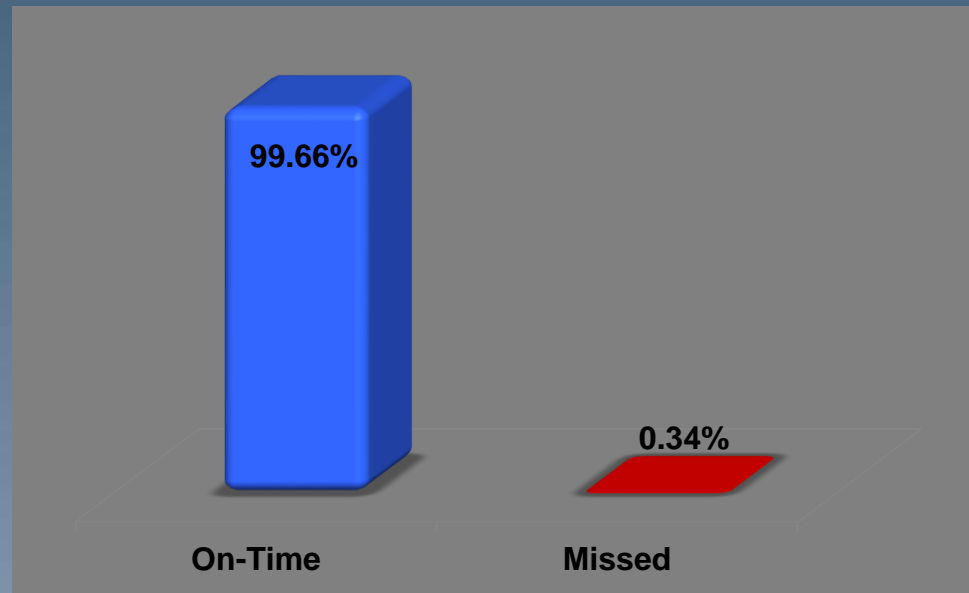




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Residential Trash Collection Collection is 99.66% on time



- 448,230 residential trash collections
- Average pounds per house per week 43.92
- 55 carts were repaired

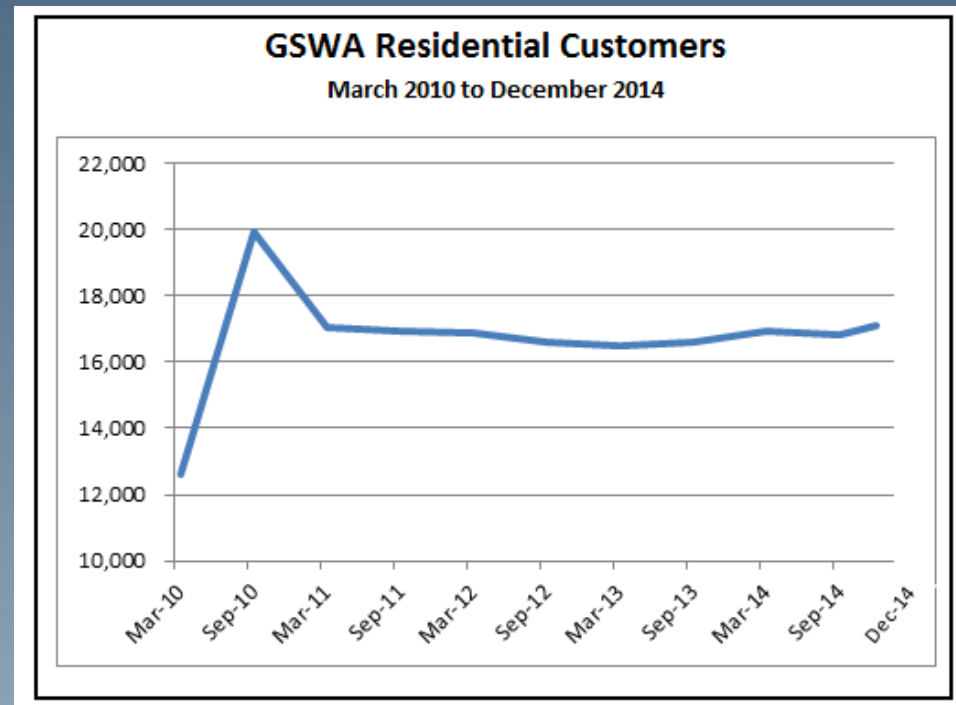


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Residential Trash Collection

Customer base at 17,094 as of December 2014



Increase of 600 net new customers since March 2013



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Administration

- Customer Service staff assisted 3,905 walk-in customers
- Made 10,074 courtesy phone calls to customers who were late paying their bills and in jeopardy of having their carts repossessed for lack of payment
- 9,982 courtesy letters sent to customers who were 60 and over 90 days behind on their payments
- 56 Full-time employees, a reduction of 42% from the 99 FTE the SWMD had in 2008





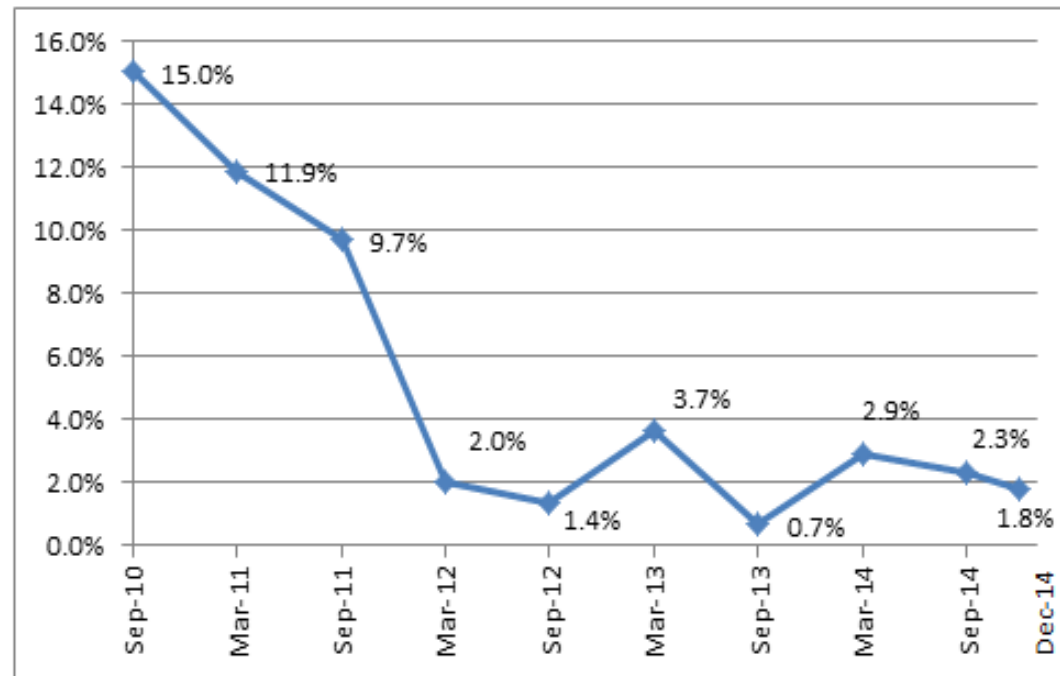
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Residential Delinquency Rates Remain Very Low

Residential Delinquency Rates

September 2010 to December 2014





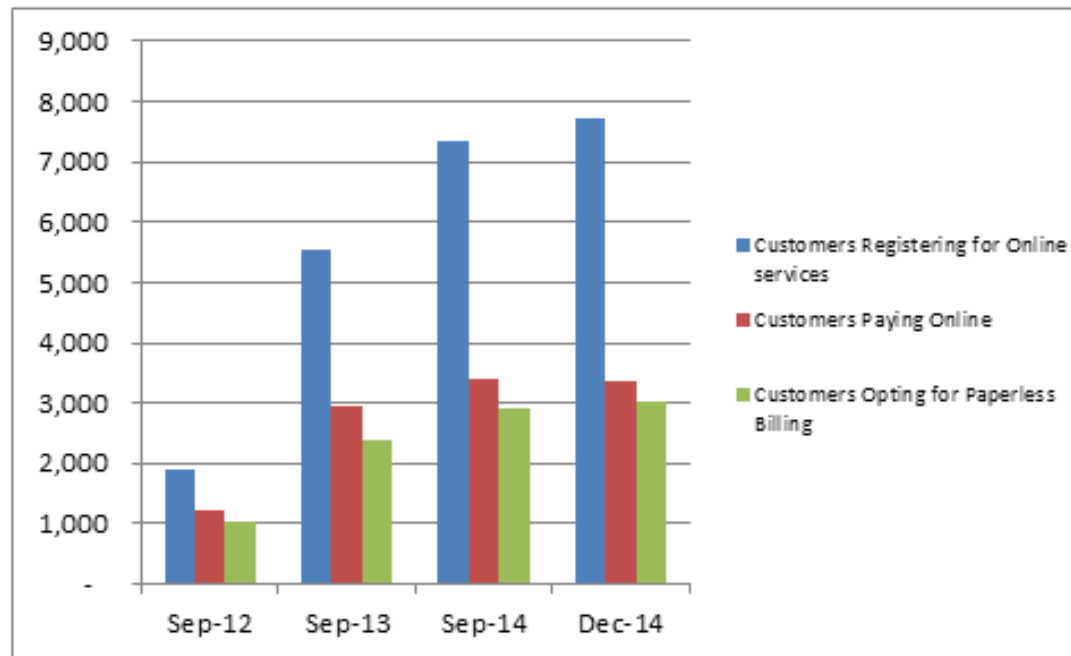
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Online Billing and Payment Up 40% Since 2013

Growth in Online Activity

September 2012 to December 2014





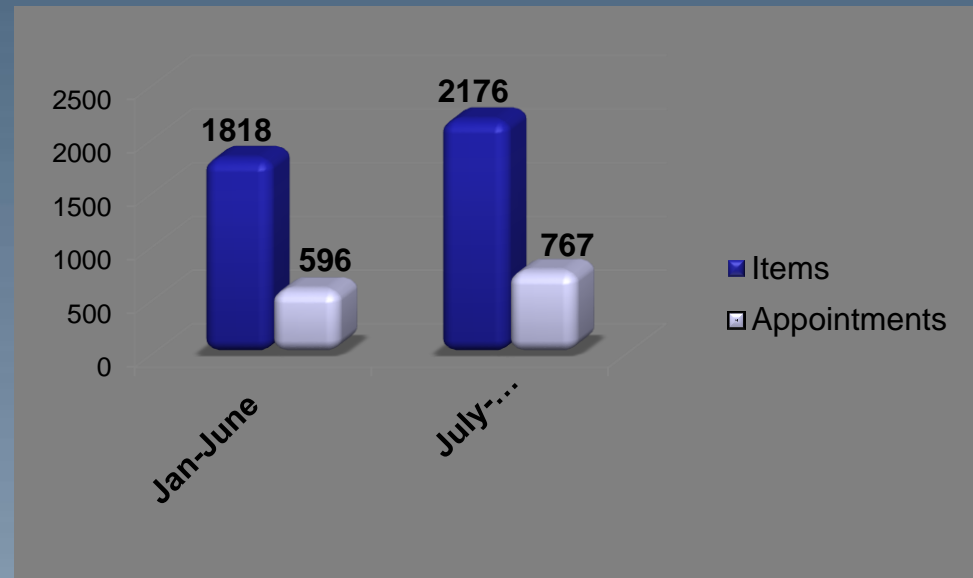
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Residential Bulky Waste Collection

The Program:

- 2 free appointments for GSWA customers; \$25 for more
- \$25 for each appointment for non-GSWA customers
- Program temporarily suspended to deliver recycling carts



During this reporting period:

- 767 appointments
- 2,176 items collected

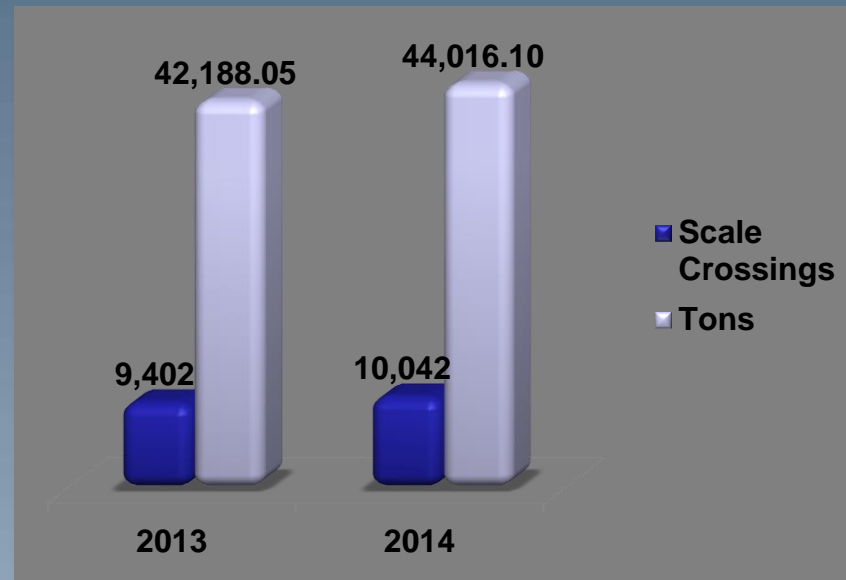


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Hauler-only Transfer Station

- In operation for over two years; used by commercial customers, large waste generators
- Total waste: 44,016 tons (up 4% from previous 6 months)



**Tonnage and Scale Crossings:
July – December 2013 and 2014**

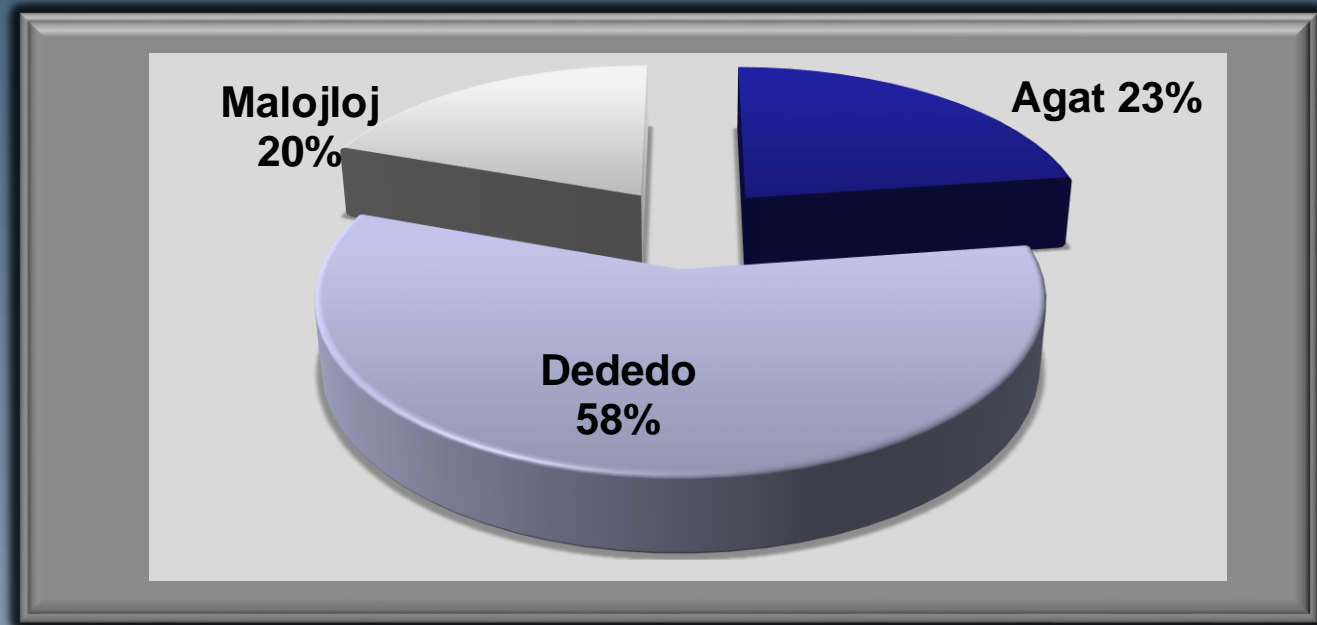


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Residential Transfer Stations

July 1, 2014 to December 31, 2014



- 15,120 total customer visits
- Dededo by far the most heavily used facility



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Residential Transfer Stations Tons Disposed



July 1 – December 31, 2014



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GSWA Board of Directors

Three meetings occurred during reporting period

- July 24, 2014 - Discussion of transition time line and Receiver's Quarterly Report
- September 25, 2014 - Attorney contract discussion
- October 22, 2014 - Receiver provided overview of GSWA's Alpine Billing System

There were no meetings in August and November due to lack of quorum. No meeting was scheduled in December.

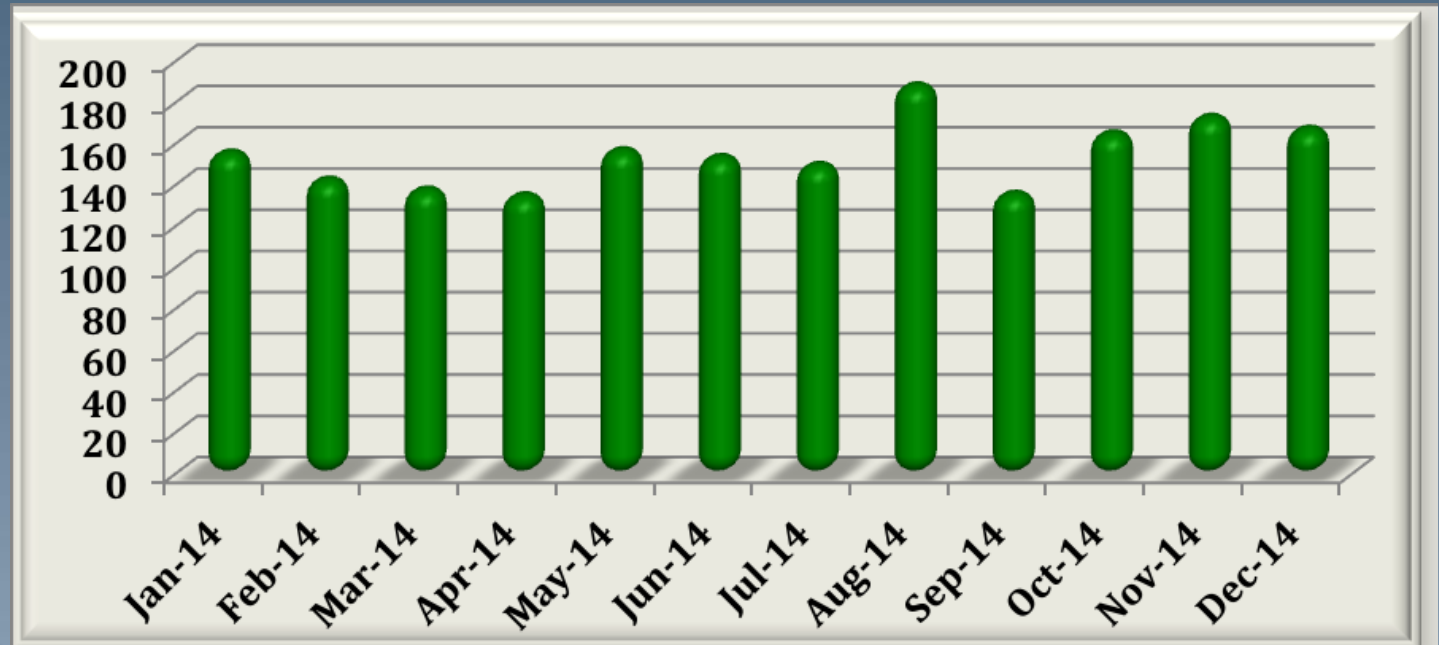




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Curbside Recycling Tonnage Collected



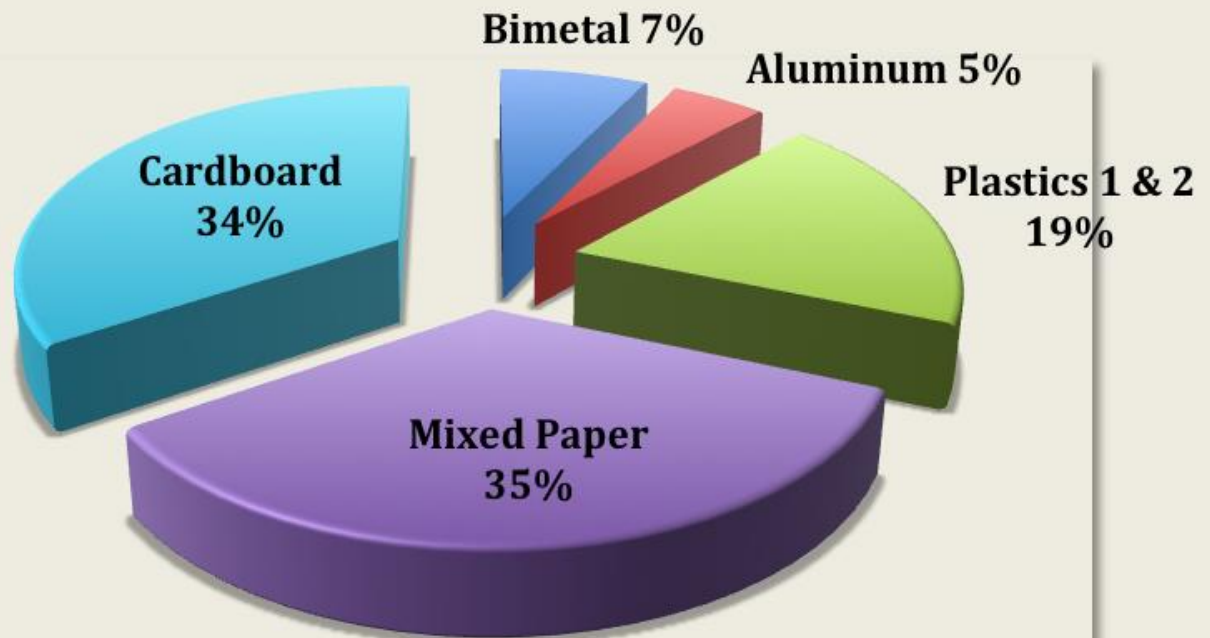
1,863 tons collected at the curb



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Recyclable Material Collected July – December 2014

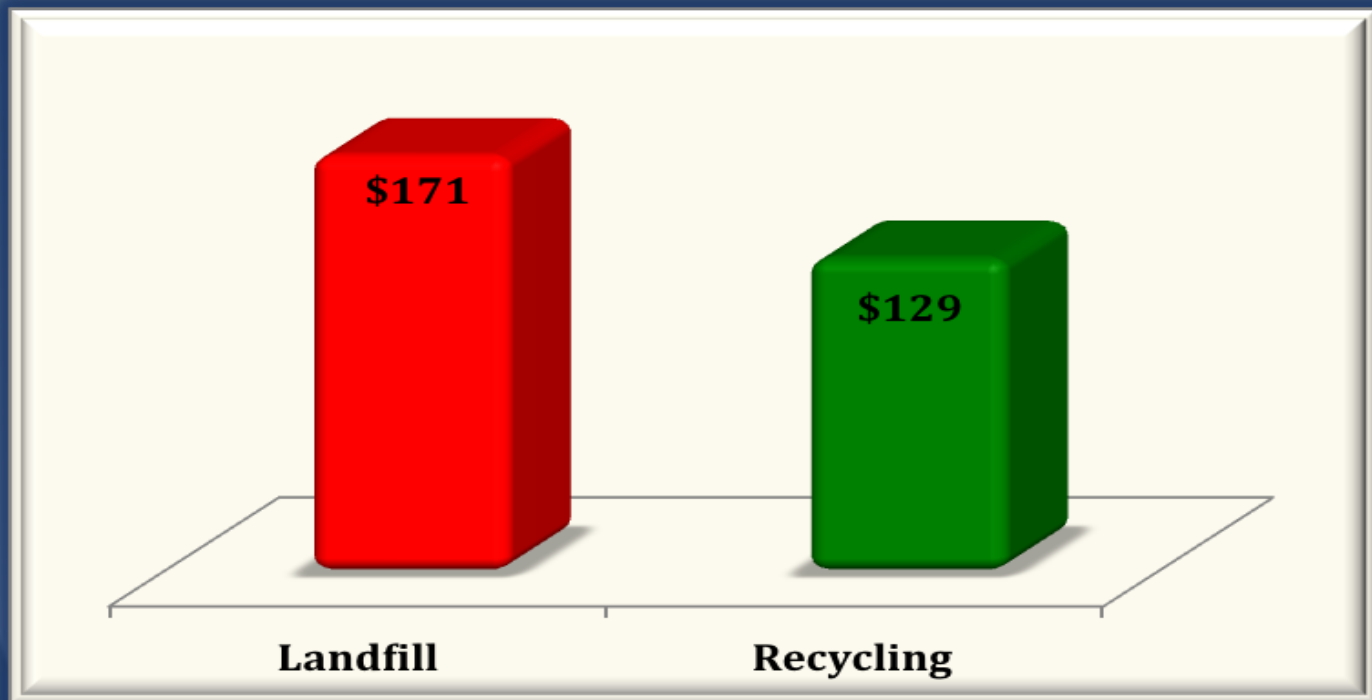




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Recycling Program Cost Per Ton Compared to Waste Disposal



See Table 3 in Tab 1 for detailed breakdown of recycling cost.



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4. CONTRACT MANAGEMENT AND PROCUREMENT

July 2014 – December 2014





Procurement Activities

- Legal services for the GSWA Board of Directors
- An Invitation for Bids for replacement refuse collection vehicles
- Significant time was also spent on a bid protest filed with respect to the procurement for refuse collection vehicles



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5. FINANCIAL ISSUES AND CAPITAL FUNDING July - December, 2014





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Operating Results: FY 2014

Guam Solid Waste Authority Summary of Operating Budget FY 2014

October 1, 2013 to September 30, 2014

(Unaudited)

Item	Total Annual Budget	Budget to Date	Actual Spending / Revenue to Date	% over (under) Budget
Personnel Expenses	\$2,809,300	\$2,809,300	\$2,917,462	3.9%
Other Expenses / Reserves*	\$15,857,684	\$15,857,684	\$15,872,042	0.1%
Total Expenses / Reserves	\$18,666,984	\$18,666,984	\$18,789,504	0.7%
Total Revenue (All Sources)	\$16,846,000	\$16,846,000	\$17,978,880	6.7%
Budgeted From Fund Balance	\$1,820,984	\$1,820,984	\$810,623	-55.5%
Total Funding Available	\$18,666,984	\$18,666,984	\$18,789,504	N/A
Surplus / (Deficit)**	\$0	\$0	\$0	N/A

See Table 4 in Tab 1 and Tab 7(a) for more detailed information.



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FY2014 Revenue Billed and Collected

GSWA Revenue Billed / Collected

October 1, 2013 through September 30, 2014

Customer Class	Billed	Collected	%
Commercial	\$ 9,871,720	\$ 9,962,341	100.9%
Residential	\$ 6,186,299	\$ 6,463,582	104.5%
Government	\$ 1,553,520	\$ 1,288,648	83.0%
Total	\$ 17,611,539	\$ 17,714,571	100.6%

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



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Operating Results: FY 2015

Guam Solid Waste Authority Summary of Operating Budget FY 2015

October 1, 2014 to December 31, 2015

(Unaudited)

Item	Total Annual Budget	Budget to Date	Actual Spending / Revenue to Date	% over (under) Budget
Personnel Expenses	\$3,000,000	\$750,000	\$609,127	-18.8%
Other Expenses / Reserves*	\$15,365,597	\$3,841,399	\$2,571,840	-33.0%
Total Expenses / Reserves	\$18,365,597	\$4,591,399	\$3,180,967	-30.7%
Total Revenue (All Sources)	\$17,845,681	\$4,461,420	\$4,629,804	3.8%
Budgeted From Fund Balance	\$519,916	\$129,979	\$0	-100.0%
Total Funding Available	\$18,365,597	\$4,591,399	\$4,629,804	N/A

See Table 6 in Tab 1 and Tab 7(b) for more detailed information.



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FY2015 Revenue Billed and Collected

GSWA Revenue Billed / Collected

October 1, 2014 through December 31, 2014

Customer Class	Billed	Collected	%
Commercial	\$ 2,563,085	\$ 2,801,368	109.3%
Residential	\$ 1,549,325	\$ 1,641,526	106.0%
Government	\$ 431,941	\$ 527,789	122.2%
Total	\$ 4,544,351	\$ 4,970,683	109.4%

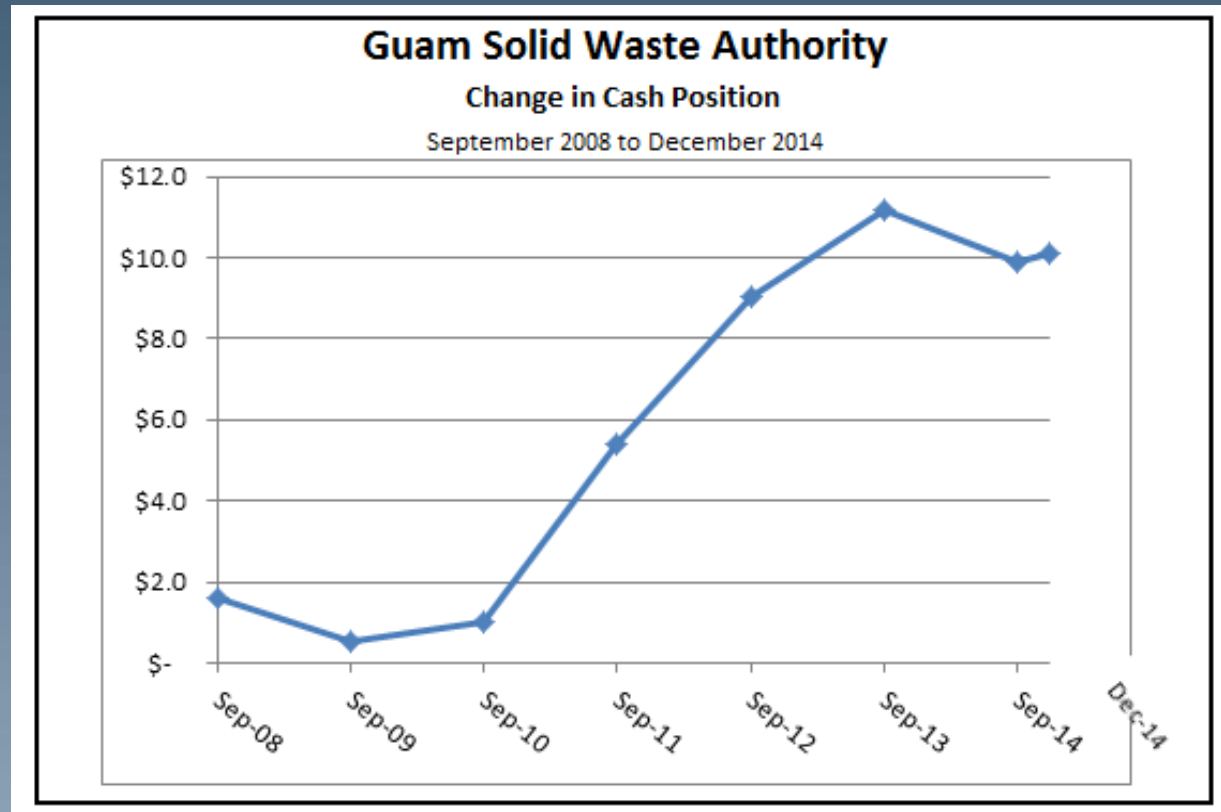
Note: Amount collected is on a cash basis. Transfer Stations are included in the residential category. Interest income excluded.



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Change in Cash Position (\$Millions)



Excludes cash in GSWA reserves.

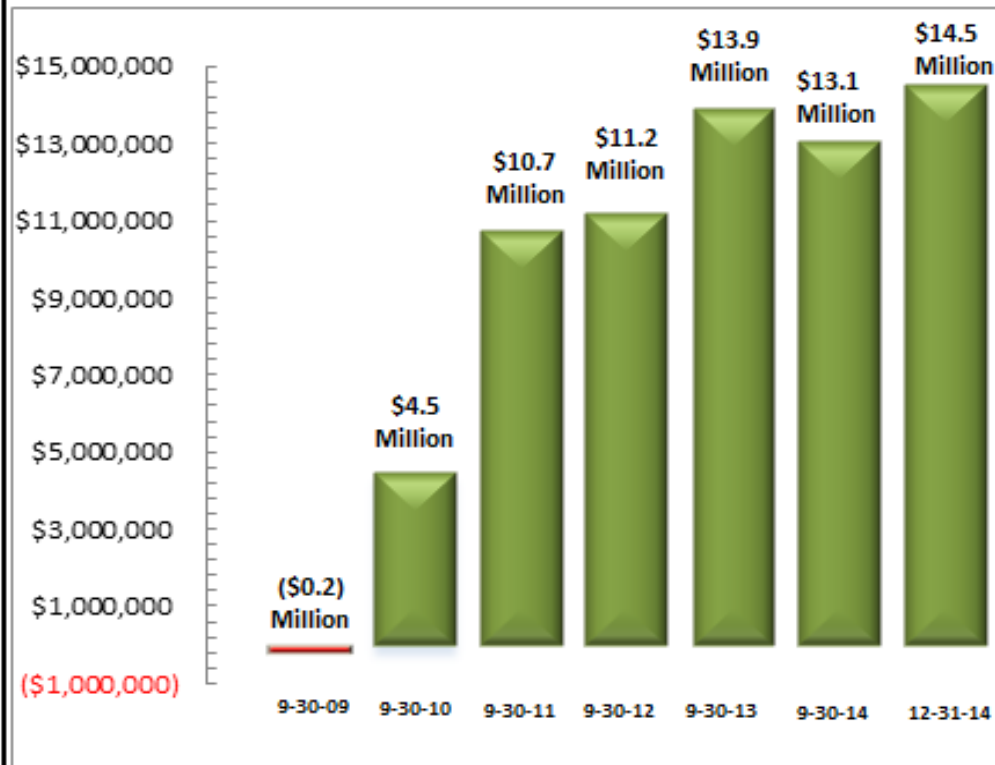


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GSWA Fund Balance

Growth in Fund Balance FY 2009 to FY 2015



Note: FY 2014 and 2015 are unaudited estimates.



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Reserves of GSWA

Reserves of the Guam Solid Waste Authority

As of 12/31/2014

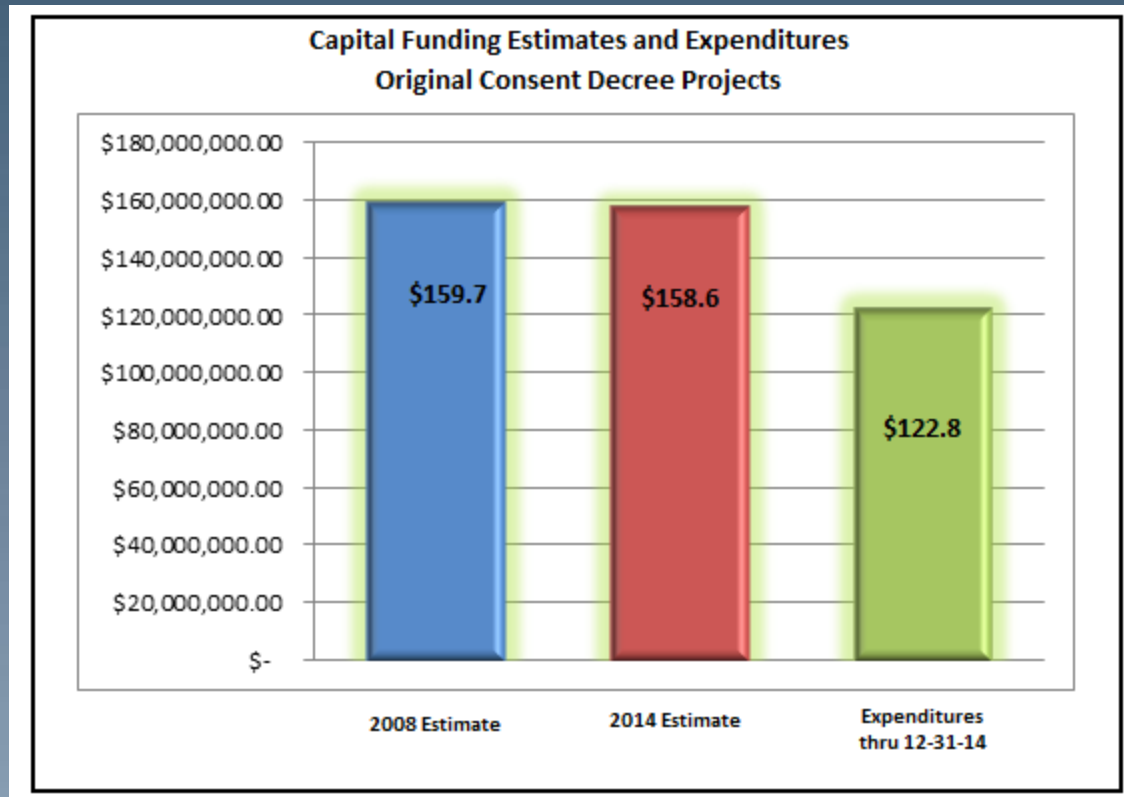
Reserves	Total
Equipment Replacement Reserve	\$ 2,114,181.56
New Cell Development Reserve	\$ 155,320.88
Cell Closure Reserve	\$ 155,320.88
Post-Closure Care Reserve Layon Landfill	\$ 310,641.51
Post-Closure Care Reserve Ordot Dump	\$ -
Total Reserves.....	\$ 2,735,464.83



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Capital Funding



The original estimate was fully funded by the 2009 Section 30 Bonds. Expenditures are as of December 31, 2014. See Table 11 or Tabs 11(a) and 11(b) for details.



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Capital Funding

- Additional Capital Needs previous estimates include:
 - \$19.9 million for additional projects
 - \$14.3 million for Ordot Dump Post-closure
 - \$10.8 million for new Layon cell
 - \$5.5 million to close cells one and two
- We have not yet revised the estimates
 - DPW has increased its estimate for the cost of Route 4 safety enhancements but no estimate for AsAlonso earthquake repairs
 - Ongoing discussions with EPA on post-closure of Ordot Dump
 - Pending decision from the Court on GovGuam Financing Plan
- Revised estimates will be needed as these issues are resolved



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Compensation of Former Landowners Ordot and Layon

- The Court has emphasized the need to follow Guam Law in all land acquisitions for the Consent Decree
- Ordot land was taken by GovGuam years ago without any compensation to the former owners as the Dump slowly expanded over the years
- Some additional Ordot land is required to complete the environmental closure
- Our work to address the Ordot land issue was slowed when the Attorney General stopped handling the matter and private counsel had to be obtained





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Compensation of Former Landowners Ordot and Layon (Cont.)

- Layon land was acquired properly through the Office of the Attorney General but the issue of full compensation is pending
- These land transactions are critical to Consent Decree compliance
- Based on available information, the following slides will provide the Court with and update on the status of these matters





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Ordot Dump Land Transactions

Five tracts of land are involved:

- Lot 37 – approximately 2 acres in size
 - ✓ Property acquired on July 8, 2013
 - ✓ Former owners: Salas family and Frank V Cruz
 - ✓ Compensation: \$156,730, paid in full to the Superior Court of Guam
 - ✓ Superior Court of Guam approved payment of \$78,365 to the Salas Family
 - ✓ Mr. Cruz is deceased and no heirs have been located
 - ✓ Superior Court of Guam will decide disposition of funds under Guam escheat law
- Lot 38 – approximately 1 acre in size
 - ✓ Property acquired on July 8, 2013
 - ✓ Former owners: Columbus Development Corporation
 - ✓ Compensation: \$87,500, paid in full to the Superior Court of Guam
 - ✓ Superior Court of Guam approved payment of \$87,500 to Columbus Development Corporation
 - ✓ Case is now closed and GSWA ownership properly recorded with the Departments of Land Management and Revenue and Taxation





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Ordot Dump Land Transactions (Continued)

- Lot 39 – approximately 1 acre in size
 - ✓ Property acquired on July 8, 2013
 - ✓ Former owners: Solid Pacific, Inc.
 - ✓ Compensation: \$84,000, paid in full to the Superior Court of Guam
 - ✓ Superior Court of Guam approved payment of \$84,000 to the Solid Pacific, Inc
 - ✓ Case is now closed and GSWA ownership properly recorded with the Departments of Land Management and Revenue and Taxation
- Lot 3434 – approximately 33 acres in size
 - ✓ Property acquired on July 8, 2013
 - ✓ Former owners: Estate of Antonio Camacho Bautista
 - ✓ Compensation: \$870,000, agreed price for 33 acres. This amount was paid in full to the Superior Court of Guam
 - ✓ There is a discrepancy in the records about the size of the lot. This discrepancy must be resolved before the acquisition can be finalized
 - ✓ Counsel is now in discussion with counsel for the former owners to resolve the discrepancy. A new survey may be required.





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Ordot Dump Land Transactions (Continued)

- Lot 450 – approximately 11 acres to be acquired from a much larger tract of land
 - ✓ This property is yet to be acquired
 - ✓ Owners: Columbus Development Corp and Pan Micronesia Development Corporation
 - ✓ Compensation: Negotiations are underway to reach an agreement on price.
 - ✓ This transaction is more complex since it is a partial taking of a much larger tract of land.
 - ✓ If agreement can be reached the transaction can be completed quickly. If no agreement is reached, it will be acquired through condemnation.



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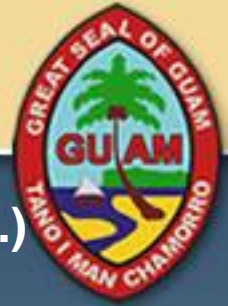
Layon Landfill Land Transaction

- Land acquired: Approximately 337 acres
- Date of Acquisition: January 24, 2008
- Appraised Value: \$3,410,000, paid to the Superior Court of Guam
- Appraisal by local firm selected by DPW in April 2008
- Superior Court of Guam awarded just compensation of \$25,115,683, for a judgment of \$21,705,683
- Interest at 6 percent due from January 24, 2008





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Layon Landfill Land Transaction (Cont.)

- Total amount owed at September 30, 2014 was \$30,280,247
- Tax credits available to former owners at September 30, 2014 were \$30,280,247
- Tax Credits of \$10,970,863 were paid to former owners on September 30, 2014, leaving a balance owed of \$19,309,384
- Two former owners, Oxford Properties and the Ysrael's, declined tax credits according to information provided to Guam media





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Layon Landfill Land Transaction (Cont.)

- **Former Owner: Oxford Properties & Finance, Ltd.**
 - ✓ Percentage Owned: 50 percent
 - ✓ Amount of Judgment on 9/30/2014: \$15,237,984.14
 - ✓ Cash Compensation Paid to date: \$1,700,938.10
 - ✓ Tax Credits Available: \$15,237,984.14
 - ✓ Tax Credits Received: \$0*
- **Former Owner: Calvo's Insurance Underwriters, Inc.**
 - ✓ Percentage Owned: 25 percent
 - ✓ Amount of Judgment on 9/30/2014: \$7,467,697.32
 - ✓ Cash Compensation Paid to date: \$850,469.31
 - ✓ Tax Credits Available: \$7,467,697.32
 - ✓ Tax Credits Received: \$4,917,062.62 - \$7,467,697.32*



*Estimated assuming Oxford Properties and the Ysrael's declined tax credits.



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Layon Landfill Land Transaction (Cont.)

- **Former Owner: Valencia Investments Corporation**
 - ✓ Percentage Owned: 8 percent
 - ✓ Amount of Judgment on 9/30/2014: \$2,438,077.45
 - ✓ Cash Compensation Paid to date: \$272,150.22
 - ✓ Tax Credits Available: \$2,467,697.32
 - ✓ Tax Credits Received: \$1,410,847.52 - \$2,438,077.45*
- **Former Owner: Jones and Guerrero Company, Inc.**
 - ✓ Percentage Owned: 8 percent
 - ✓ Amount of Judgment on 9/30/2014: \$2,438,077.45
 - ✓ Cash Compensation Paid to date: \$272,150.22
 - ✓ Tax Credits Available: \$2,467,697.32
 - ✓ Tax Credits Received: \$1,410,847.52 - \$2,438,077.45*



*Estimated assuming Oxford Properties and the Ysrael's declined tax credits.



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Layon Landfill Land Transaction (Cont.)

- **Former Owner: Alfred and Diana Ysrael**
 - ✓ Percentage Owned: 5 percent
 - ✓ Amount of Judgment on 9/30/2014: \$1,520,765.57
 - ✓ Cash Compensation Paid to date: \$170,093.91
 - ✓ Tax Credits Available: \$1,520,765.57
 - ✓ Tax Credits Received: \$0*
- **Former Owner: Lee and Joan Holmes**
 - ✓ Percentage Owned: 1.5 percent
 - ✓ Amount of Judgment on 9/30/2014: \$440,976.26
 - ✓ Cash Compensation Paid to date: \$51,028.21
 - ✓ Tax Credits Available: \$440,976.26
 - ✓ Tax Credits Received: \$255,180.68 - \$440,976.26*



*Estimated assuming Oxford Properties and the Ysrael's declined tax credits.



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Layon Landfill Land Transaction (Cont.)

- **Former Owner: Douglas F. Cushnie**
 - ✓ Percentage Owned: 1.2 percent
 - ✓ Amount of Judgment on 9/30/2014: \$364,934.50
 - ✓ Cash Compensation Paid to date: \$42,285.39
 - ✓ Tax Credits Available: \$364,934.50
 - ✓ Tax Credits Received: \$211,177.43 - \$364,934.50*
- **Former Owner: Joaquin C. Arriola**
 - ✓ Percentage Owned: 0.8 percent
 - ✓ Amount of Judgment on 9/30/2014: \$244,415.10
 - ✓ Cash Compensation Paid to date: \$28,320.68
 - ✓ Tax Credits Available: \$244,415.10
 - ✓ Tax Credits Received: \$141,436.21 - \$244,415.10*





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Layon Landfill Land Transaction (Cont.)

- **Former Owner: Young Chull Kim**
 - ✓ Percentage Owned: 0.4 percent
 - ✓ Amount of Judgment on 9/30/2014: \$127,319.62
 - ✓ Cash Compensation Paid to date: \$14,441.05
 - ✓ Tax Credits Available: \$127,319.62
 - ✓ Tax Credits Received: \$73,676.32 - \$127,319.62*

Counsel for the Receiver will continue to seek accurate and updated documentation to substantiate the amounts actually paid and outstanding balances owed.





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Layon Landfill Land Transaction (Cont.)

- Interest continues to accrue at 6 percent on the unpaid balance of the judgment
- The tax credits will remain available until used
- There is no written agreement with the former landowners that the credits made available are full satisfaction of the judgment
- A “Satisfaction of Judgment” document has not been signed by any of the former landowners





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Layon Landfill Land Transaction (Cont.)

- The Superior Court of Guam has not approved the use of tax credits to pay the judgment
- It is the position of the Governor's Legal Counsel that it is not necessary for the Superior Court of Guam to approve the payment of the judgments by tax credits
- Unused tax credits do not expire and may be carried over from month to month until used

Documentation for the information provided on the Layon Landfill Land Transactions is submitted as Tabs 14(a) to 14(g), Tabs 15 and 16 in this report.





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Reserve for Unfunded Expenses

Special Reserve for Unfunded Expenses

As of 12/31/14

Deposits/Withdrawals	Amount
Balance at 6/30/14	\$ 749,516.16
July 2014 Deposit	\$ 374,758.08
August 2014 Deposit	\$ 374,758.08
September 2014 Deposit	\$ 374,758.08
October 2014 Deposit	\$ 374,758.08
November 2014 Deposit	\$ 374,758.08
December 2014 Deposit	\$ 374,758.08
Total Deposits	\$ 2,248,548.48
Interest Earnings (less Bank Charges)	\$ 654.27
Withdrawals*	\$ (42,144.18)
Balance at 12/31/14.....	\$ 2,956,574.73

*Withdrawals to pay legal expenses approved by the District Court.



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Waste Disposed by GSWA

Change in Waste (Tons) Disposed by GSWA

By Customer Group

Comparing October to September FY2013 with FY2014

Customer	FY 2013	FY 2014	% Change
Residential	19,577	18,632	-4.8%
Commercial	53,017	53,357	0.6%
Military	7,923	7,612	-3.9%
Government	6,162	8,868	43.9%
Mayors	1,565	1,478	-5.5%
Transfer Stations	5,591	4,798	-14.2%
Other	107	114	6.4%
Total	93,943	94,859	1.0%

Note: About 3 percent of the waste handled by GSWA is not landfilled due to removal of excluded waste and water loss.



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**NEXT STEPS ARE INCLUDED IN
TAB 1 (Narrative Report)**





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Si Yu'us Ma'ase

