Guam SOLID WASTE RECEIVER

Briefing for the GSWA Board

August 21, 2025

1:00 PM ChST

GBB
SOLID WASTE
MANAGEMENT
CONSULTANTS

Gershman, Brickner & Bratton, Inc.

Topics

I. Claim Against GWA

II. Leachate Flow and Seep Investigations

III. Ordot Dump Operations

IV. Consent Decree Remaining Projects

V. Ordot Dump Post-Closure Funds

FYI: Next Court Joint Status Hearing

October 15, 2025 9:00 AM Guam

I. Lawsuit Against GWA and DB Insurance in Superior Court

July 18, 2025 Decision & Order denied GWA's Motion to Dismiss

CONCLUSION

GWA's arguments for dismissal based on sovereign immunity and GBB's authority do not hold. The statutory waiver of immunity is clear, and GBB's authority to pursue this claim is well supported.

For the foregoing reasons, GWA's Motion to Dismiss is **DENIED**.

IT IS SO ORDERED JUL 18 2025.

HONORABLE ARTHUR R. BARCINAS
Judge, Superior Court of Guam

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Status of GWA Lawsuit

- On July 28, 2025 GWA filed Motion for Reconsideration of the Court's denial of GWA's Motion to Dismiss
- GBB will file its opposition brief on August 25, 2025
- GWA's reply brief is due September 8, 2025
- No hearing date has been scheduled by Superior Court before Judge Barcinas on GWA's Motion for Reconsideration

II. Leachate Flow and Seep Investigations

Initial Investigations for EPA requested Additional Data - Status

- Key milestones and activities:
  - Locations for boreholes and monitoring wells selected
    - Locations to be refined with additional geophysical information to be gathered with GPR to enhance borehole location selection (anticipate start in August pending permits from GEPA)
  - Driller Contracted
  - Anticipated next steps:
    - Permit applications submitted, awaiting permits from GEPA to initiate Drilling
    - Drill boreholes and collect borehole data – anticipated to start early September
    - Construct and develop wells - anticipated to start early September immediately following drilling work
    - Permeability tests to be performed immediately following drilling work
    - Water Quality Sampling within approx. 45 days of Well construction/development
    - Ongoing bi-weekly discussions as needed and sharing of info with Tech Team
- Draft Technical Memo anticipated submittal to EPA within 12 months of initiating field activities

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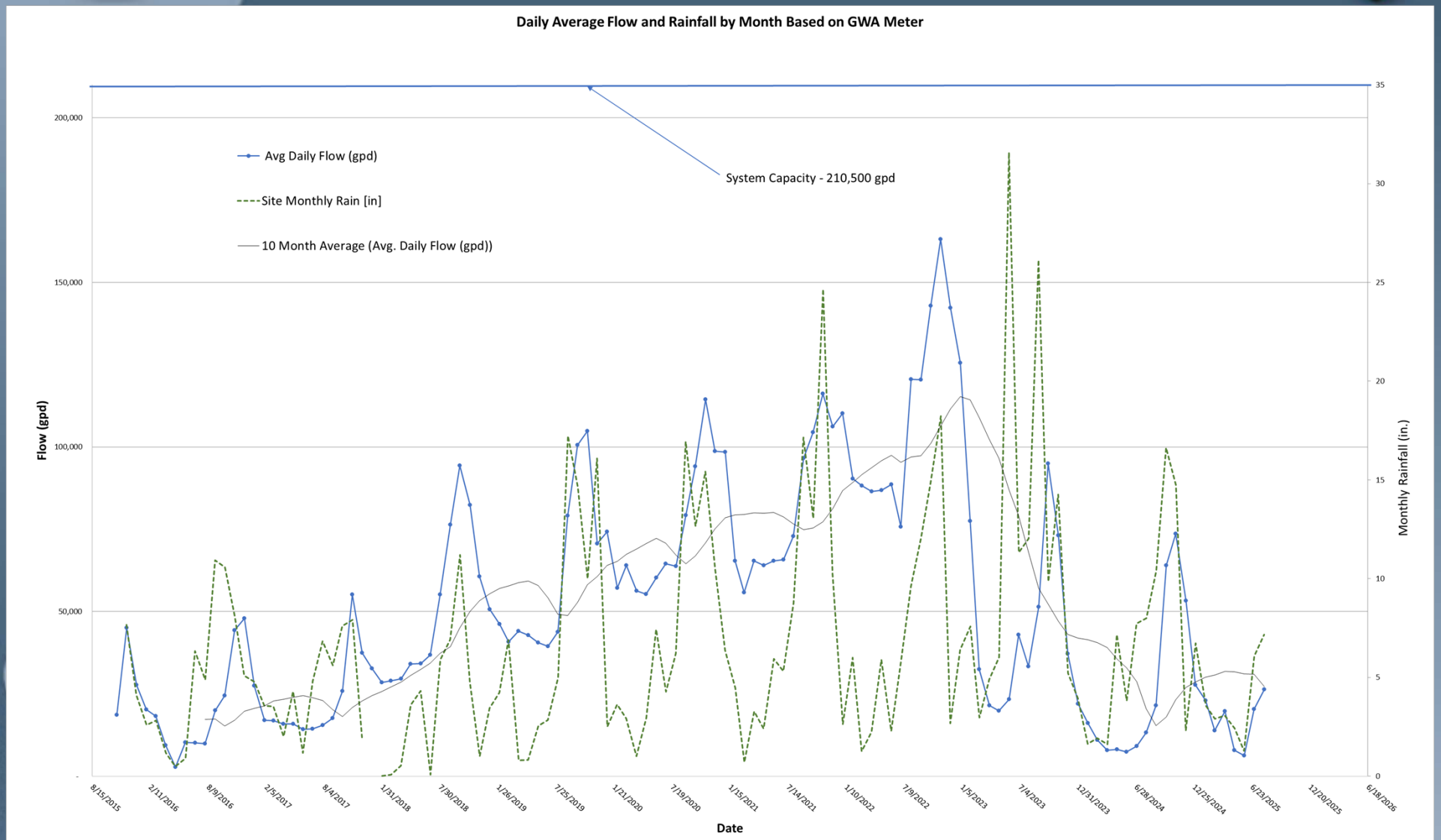
Leachate Flow Update (July ’25)



II. Leachate Flow and Seep Investigations (cont'd)
~ Leachate Flow Update

- 2024 and 2025 leachate flows closer to the levels experienced in 2016 and 2017 after the repair of GWA Dero Road leaks in 2022
- These Dero Road leaks are no longer impacting the Ordot Dump Facility
- We continue to look for trends

Year	Leachate (Gallons)
2016	**7,397,019**
2017	**8,518,884**
2018	18,658,285
2019	23,952,805
2020	27,748,045
2021	30,040,379
2022 (GWA leaks repaired in December)	40,976,930
2023	15,870,700
2024	**9,473,154**
2025 (thru July)	**3,524,903*** (7 months)

*Estimated due to GWA metering malfunction

II. Leachate Flow and Seep Investigations (cont'd)

- Values in previous slides include Receiver/Operator estimates for Jan and Feb 2025
- Working through GWA and Receiver legal counsels to resolve
  - GWA technical staff recently confirmed meter malfunctioning
  - Receiver submitted leachate flow records to GWA through Counsel

II. Leachate Flow and Seep Investigations (cont'd)

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 July)	3,524,903*	$ 59,244.55

*Estimated due to GWA metering malfunction

III. Ordot Dump Operations

Recent activities in July:

- Ongoing Routine Operations
  - Monthly Summary Report Provided to GEPA as part of Permit Requirements (also provided to GSWA on a monthly basis)
- Non-Routine Operations
  - **Storm swale repair construction:** 4 locations required repair with concrete removal and replacement. Completed concrete pour at Location 29 and 24 and currently proceeding with rebar installation at Locations 44 and 45. Concrete pour for these locations anticipated within next two weeks.
  - **Soil Vapor Extraction:** System Modification to improve soil gas recovery. Pending on GEPA approval on drilling permit. 3 new extraction wells to be installed. We are working on the horizontal well design for American Builder to provide a change order cost proposal to their current contract.
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III. Ordot Dump Operations (cont'd)

Storm Swale Repair Construction (location 24)

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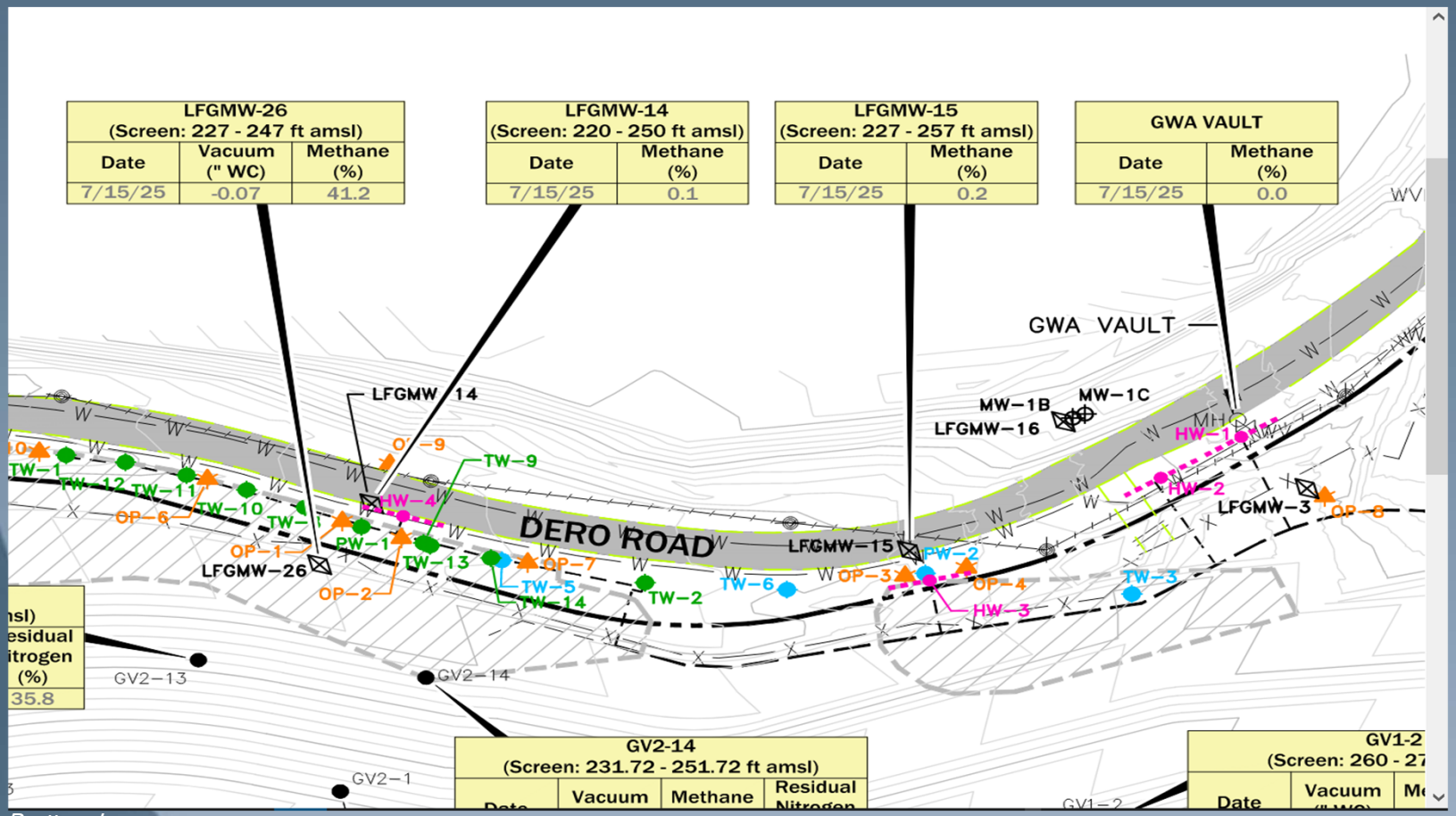
III. Ordot Dump Operations (cont'd)

Soil Vapor Extraction – System Modification



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IV. Consent Decree Remaining Tasks

Cessation Certification

- U.S.EPA directed additional information to be completed before Cessation Certification

GSWA portion of SEP

- U.S. EPA indicated on a technical call August 15th that it anticipated providing a response to GSWA's addendum and overall SEP by early the following week of August 18th

V. Ordot Dump Post-Closure Funds

Bank of Guam Account	Balances as of June 30, 2025	Balances as of July 31, 2025
TDOA Treasurer*3788**	$ 230,316.59	$ 511,981.54
Investment 5159* **	$ 5,027,071.34	$ 4,740,817.89
RCRA Trust 5175* **	$ 33,513,521.95	$ 33,619,975.63
Total	**$ 38,770,909.88**	**$ 38,872,775.06**

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