Guam SOLID WASTE RECEIVER

Presentation to the GSWA Board

September 19, 2024

1 PM ChST

GBB SOLID WASTE MANAGEMENT CONSULTANTS

Gershman, Brickner & Bratton, Inc.

Topics

1. Status of Receiver Trust Accounts
2. RCRA Trust Update
3. Transition Plan Status
4. Evaluation of GWA Waterline Leaks on Dero Road to Ordot Dump Leachate Flow and Volume report by GK2 Inc.
5. GWA Claim Update
6. Questions? Discussion & Topics for Next Meeting

Source: Google Maps

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1. Status of Receiver's Trust Accounts

- Trust Account #1 – earns essentially no interest income
  - Current balance as of 8/27/2024 - $930,386.18
- Trust Account #2 – earns significant interest income @ ~5% per annum rate
  - Current balance as of 8/27/2024 - $7,289,306.87
- Total - $8,219,693.05
- Trust Account #2 investments made with review and consent of the GSWA Controller
- Deposits: $1,351,353.28
- Expenses: $958,728.50

2. RCRA Trust Update

- When GEPA/EPA PCCE is fully funded here, GSWA monthly payments and escalation payments would be suspended
  - Receiver plans to augment GSWA deposit of ~$30.6 million to reach full GEPA/EPA PCCE of ~$32.5 million
  - Future escalation payments subject to being covered by future interest income

3. Transition Plan Status

- The Court has ordered GSWA General Manager to work cooperatively with the Receiver to develop a management and operational plan for assuming full responsibility for Ordot Dump post closure activities
- GSWA has provided a draft on August 7, 2024
- This plan does not have critical information the Receiver is working to provide to incorporate into the GSWA draft, specifically:
  - An outline of current work activities and annual work hours involved to maintain and operate the Ordot Facility
  - Proposed timeline for the transition.

3. Transition Plan Status (cont'd)

- Receiver expects transition plan will encompass the following and possibly other matters:
  - Work obligations for the closed Ordot Dump
  - Work related to fulfilling permit requirements and reports
  - Remaining financial obligations and steps necessary to fulfill them
  - GSWA Board plan to address how GSWA staff will assume the additional workload
    - The plan to address current and future GSWA staff and/or contractors to be assigned for the additional workload
  - The Receiver and the GSWA Board will endeavor to agree on a joint transition plan

3. Transition Plan Status (cont'd)

- Three of four tasks have or are about to be completed that are a requirement for completion in the Consent Decree, as follows:
  - Certification of the Receiver portion of the SEP report - done
  - Certification that Ordot Dump no longer receives MSW – done
  - Finalization of a RCRA-compliant Trust Agreement and fully funded Trust account for post closure costs – about to be done
  - Receiver certification that discharges to waters of the U.S. have ceased – Receiver will be submitting this certification to U.S. EPA. Receiver, U.S. EPA and DOJ have been collaborating about the final form, content, and timing of the submittal of the certification.

4. Evaluation of GWA Waterline Leaks on Dero Road to Ordot Dump Leachate Flow and Volume Report by GK2 Inc.

Leachate Flow Contributors

- The Ordot Dump has an impermeable cover which prevents rainfall on the landfill site itself from contributing to leachate flow, and the decomposing landfill waste contributes only a small amount of flow that has continued to decrease over time
- The only other source of leachate flow is leachate that combines with impacted groundwater, mainly due to the landfill being unlined since it came into operation, under the US military, well before landfill regulations were tightened in 1965 and 1976
- At the Ordot Facility the groundwater flow should be driven by rainfall and so leachate flow and rainfall trends should match, but during the period between 2017 and 2023 the leachate flow was much more than that which have resulted from rainfall alone

Leachate Flow Contributors (cont'd)

All parties agree that the Dero Road GWWA waterline leaked from 2017 until 2023, and this is the only candidate for the additional source of groundwater that resulted in the increase above that which rainfall alone could have generated

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	40,976,930
2023	15,870,700
2024	1,803,997 (6 mos.)

Leachate Flow Contributors (cont'd)

The graphs depicting average site rainfall and leachate flow, peak daily rainfall and leachate flow, and volume of rainfall and leachate flow unequivocally support the only logical conclusion: ***the additional groundwater flow, and therefore leachate flow, was the result of the GWA waterline leaks that all parties have acknowledged were actively leaking from 2017 until 2023***

Contributors to Groundwater and Leachate Flow

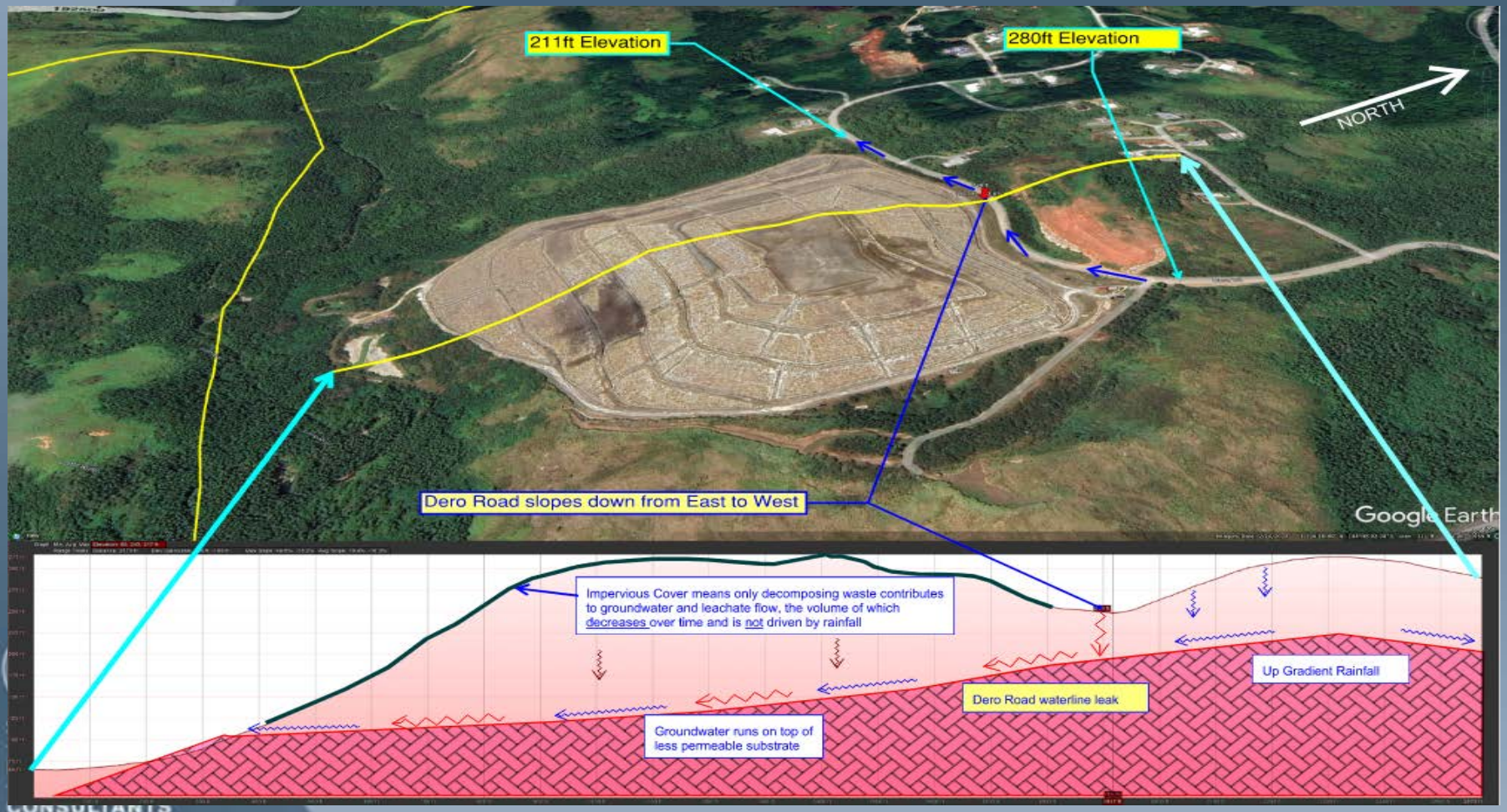


Fig. 1
Monthly Average Site Rainfall and Leachate Volumes & Trends

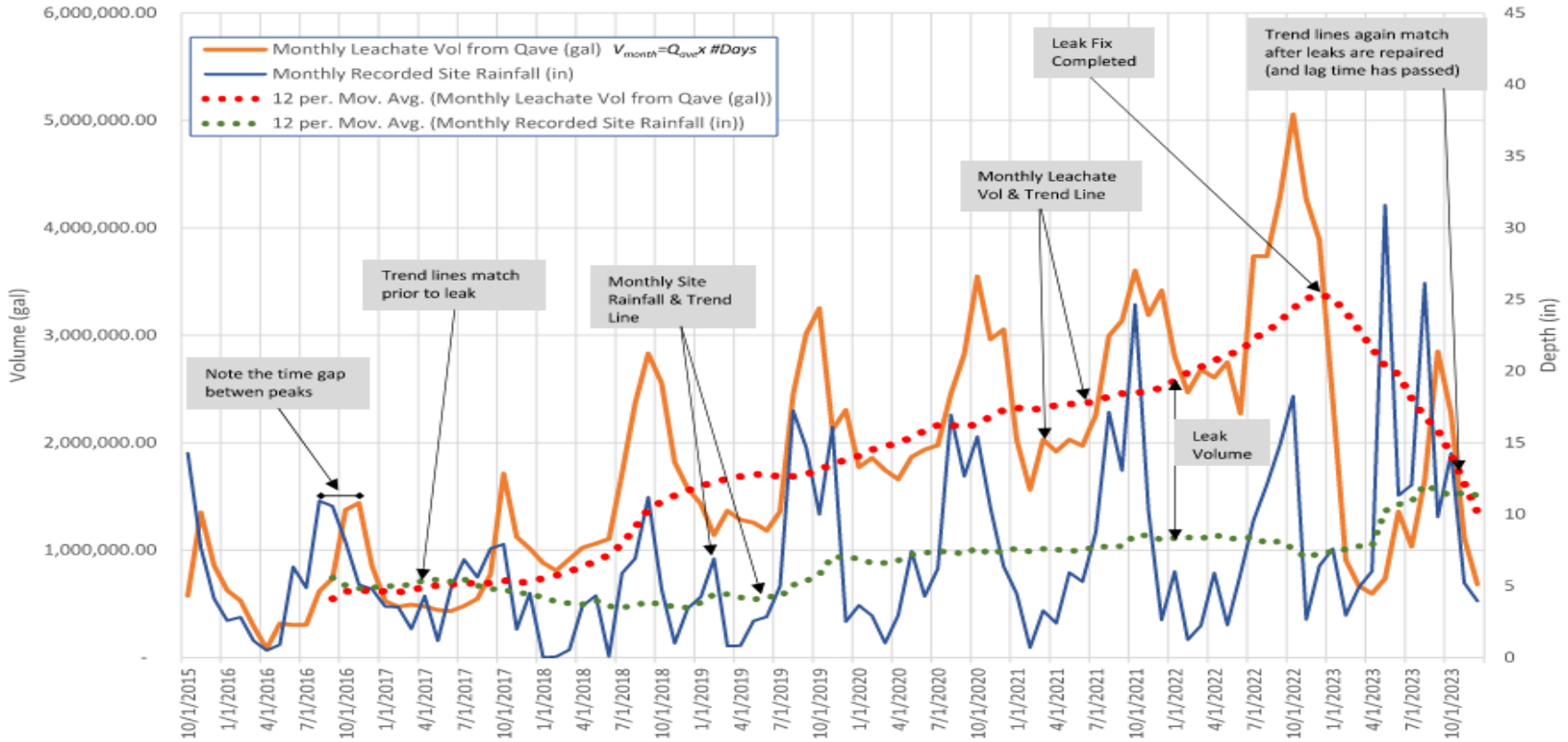


Fig. 2
Measured Monthly Max Leachate Flow Rate vs. Recorded Site Rainfall

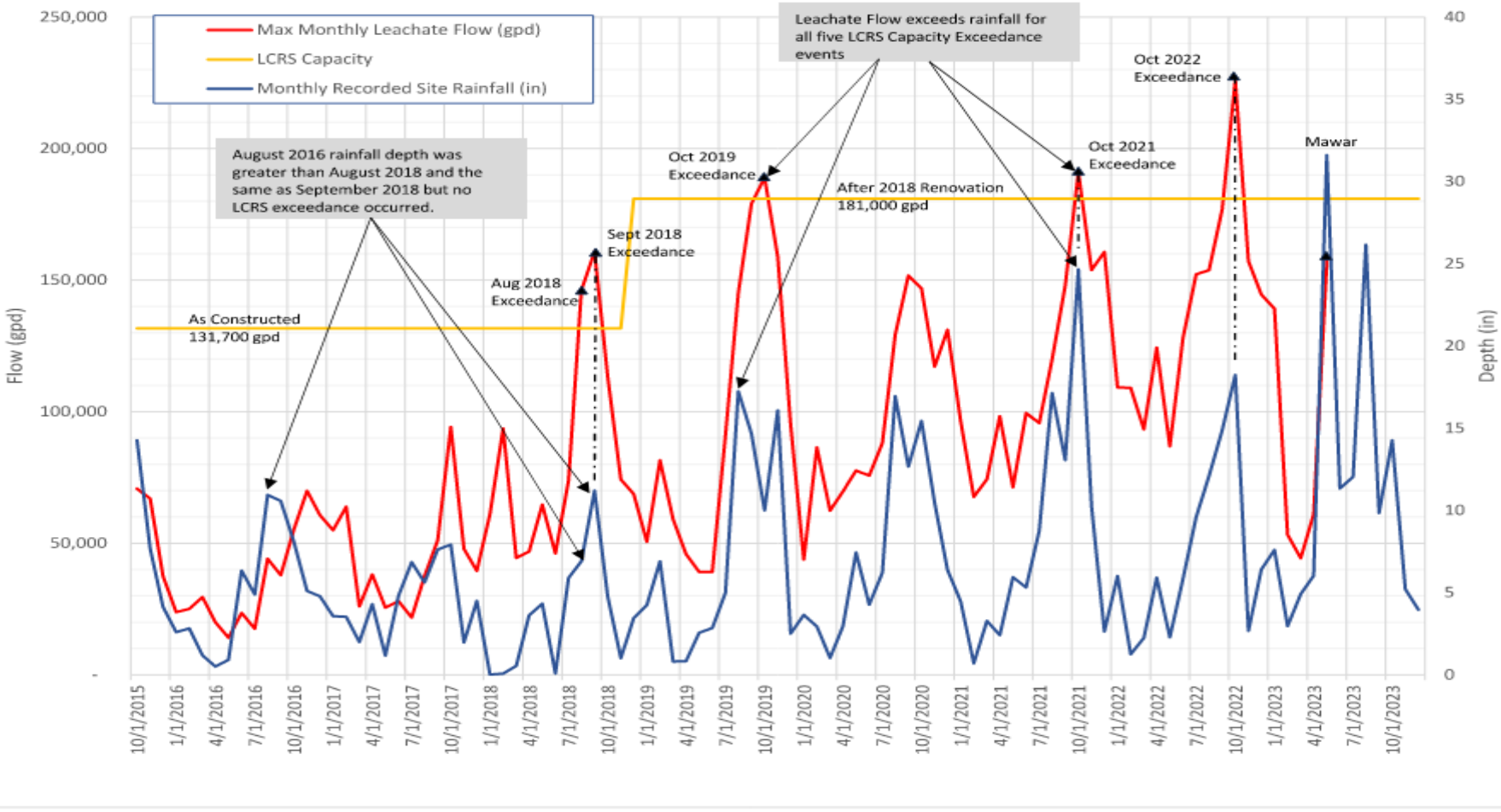
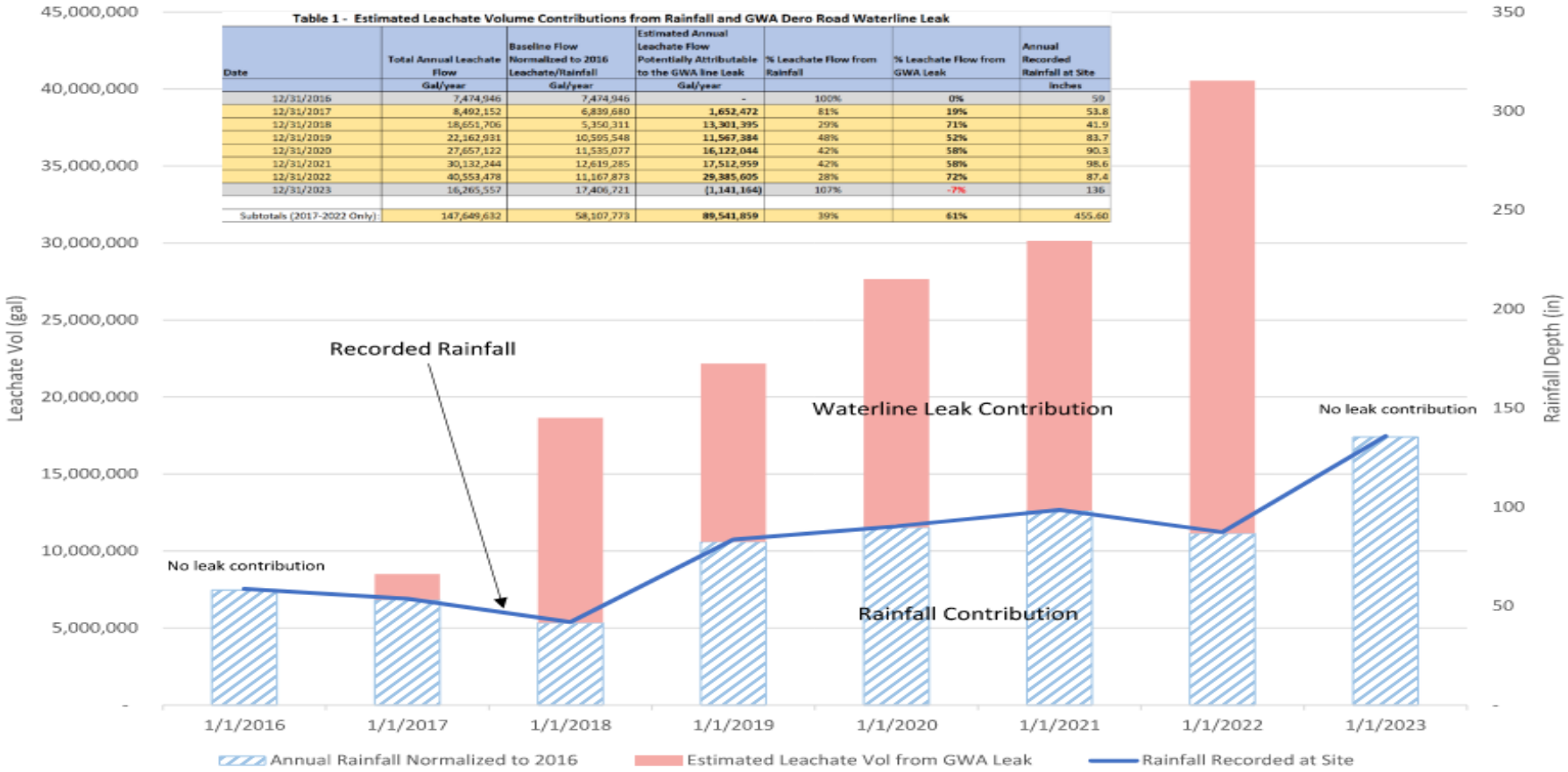


Fig. 3
Rainfall & GWA Leak Contributions to Annual Leachate Volumes

Table 1 - Estimated Leachate Volume Contributions from Rainfall and GWA Dero Road Waterline Leak

Date	Total Annual Leachate Flow	Baseline Flow Normalized to 2016 Leachate/Rainfall	Estimated Annual Leachate Flow Potentially Attributable to the GWA line Leak	% Leachate Flow from Rainfall	% Leachate Flow from GWA Leak	Annual Recorded Rainfall at Site
	Gal/year	Gal/year	Gal/year			inches
12/31/2016	7,474,946	7,474,946	-	100%	0%	59
12/31/2017	8,492,152	6,839,680	**1,652,472**	81%	**19%**	53.8
12/31/2018	18,651,706	5,350,311	**13,301,395**	29%	**71%**	41.9
12/31/2019	22,162,931	10,595,548	**11,567,384**	48%	**52%**	83.7
12/31/2020	27,657,122	11,535,077	**16,122,044**	42%	**58%**	90.3
12/31/2021	30,132,244	12,619,285	**17,512,959**	42%	**58%**	98.6
12/31/2022	40,553,478	11,167,873	**29,385,605**	28%	**72%**	87.4
12/31/2023	16,265,557	17,406,721	**(1,141,164)**	107%	-7%	136
Subtotals (2017-2022 Only):	147,649,632	58,107,773	**89,541,859**	39%	**61%**	455.60



5. GWA Claim Update

August 21, 2024

Mr. Miguel C. Bordallo
Guam Waterworks Authority
Gloria B. Nelson Public Service Building
688 Route 15
Mangilao, Guam 96913

RE: GWA Calculation of Damages Report

Dear Mr. Bordallo:

The Receiver has prepared the attached GWA Calculation of Damages Report to support the claim for excessive leachate charges and cost incurred between 2018 to 2022. The Receiver has calculated the total damages from the excessive leachate charges and related costs to be $4,407,241.20 ("GSWA Damages"), which is broken down as follows:

Report Section	Description of Cost	Amount
1	Original claim based on letter dated 8/16/23	$2,650,222.00
2	Additional Leachate Quantities (01/01/23 - 10/31/23)	$60,075.02
3	BC Work Orders (2018 - Current)	$650,543.00
4	Estimated Receiver's Cost 2018 - 05/31/2024	$737,595.19
5	Detry Truck Charges	$187,214.12
6	Pump Power Costs	$95,007.86
7	Repair Work Costs	$26,584.01
	Total	***$4,407,241.20***

GBB
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RECEIVER

Innovative, Sustainable Solutions for Solid Waste Management

Gershman, Brickner & Bratton, Inc.
8300 Boone Blvd.
Suite 500
Vienna, VA 22182

Receiver sent letter to GWA with Calculation of Damages Report for excessive leachate charges and costs of ***$4.4 million***

(ECF 2078-1)

5. GWA Claim Update (cont'd)

1. On 8/21/2024 Receiver sent Calculation of Damages to GWA
2. Included GK2 Inc. Report "*Evaluation of Contribution of GWA Waterline Leaks on Dero Road to Ordot Dump Leachate Flow & Volume"*
   - o confirms and validates the B&C conclusions re: Dero Waterline leaks
3. Sunshine Act Request to GWA - insurance policies covering general liability, management and professional liability for period 2018 – 2023
4. 9/17/2024 Receiver provided Calculation of Damages Letter (8/21/24) - notifying Dongbu Insurance of a claim

6. QUESTIONS?

DISCUSSION

TOPICS FOR NEXT MEETING