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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,
vs.
GOVERNMENT OF GUAM,
Defendant.

Civil Case No. 02-00022

ORDER

This matter came before the court on January 14, 2009, for a quarterly status hearing. At that time, the Receiver, Gershman, Brickner & Bratton, Inc. (“GBB”) provided an update on the progress of Consent Decree projects and on the operations of the Solid Waste Management Division (“SWMD”). *See* Docket No. 328. GBB also outlined a proposed cart rollout program and an account management system. In addition, GBB reiterated its continued need for the court’s assistance in securing the funds necessary for the Consent Decree projects. To that end, GBB requested the court order a payment schedule.

The Government of Guam requested one week to respond to GBB’s request that the court adopt a schedule of cash payments. The court granted the Government of Guam’s request that it be given one week to respond to GBB’s request by January 22, 2009. *See* Docket No. 330.

On January 21, 2009, the Government of Guam filed a request for an extension of time, until February 2, 2009, to submit its response to GBB’s request that the court order a schedule

1 of cash payments. *See* Docket No. 333. Based upon the representations of the Receiver that an
2 extension of time should be granted and with no opposition from the United States, the court
3 granted the request. *See* Docket No. 337.

4 The extension of time granted the Government of Guam to work with the Receiver in
5 exploring other financing options should not serve to delay the necessary work in moving
6 forward with the other recommendations made by the Receiver. It is important to point out that
7 the Receiver reported at the status hearing that as of December 31, 2008, the Ordot Dump had
8 938 days of air space remaining. As of today, there are only 915 days of air space remaining.
9 There is simply no additional time to prolong the closure of the Ordot Dump and the opening of
10 the new Municipal Solid Waste Landfill Facility at Layon.

11 Accordingly, the court will continue to ensure that the timetable is followed. Consistent
12 with this court's past orders for the Government of Guam to achieve compliance with the
13 Consent Decree, the court hereby **ORDERS** the following:

14 1. The court adopts GBB's plan to implement a cart rollout plan and account
15 management system, and directs GBB to proceed with said plan and system. *See* Docket No.
16 328;

17 2. GBB is permitted to establish appropriate interim tipping and collection fees.
18 Interim commercial tipping fees shall go into effect on July 1, 2009. The effective date of the
19 increase of residential collection fees shall be established at a later date; and

20 3. GBB shall petition the Public Utilities Commission to approve increases in the
21 commercial and residential rates at an appropriate time during 2009.

22 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jan 23, 2009

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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA
Plaintiff,
vs.
GOVERNMENT OF GUAM,
Defendant.

Civil Case No. 02-00022

ORDER

This matter came before the court on July 15, 2009, for a quarterly status hearing. At that time, the Receiver, Gershman, Brickner & Bratton, Inc. (“GBB”) reported on the progress of Consent Decree projects and on the operations of the Solid Waste Management System (“SWDM”). See Docket No. 463. Various Guam agencies also provided updates on their respective work on the Consent Decree projects. The court is concerned about the Department of Public Works’ (“DPW”) report. Specifically, DPW addressed the possible delay in the construction and expansion of the Ylig Bridge because a colony of *Partula radiolata*, a rare Guam Tree Snail, had been found living under the bridge. The court orders the plaintiff and the United States Fish and Wildlife Service to provide assistance to DPW in this regard to make sure there is an expedited solution.

Additionally, to ensure that there is ongoing progress to meet the previously established Consent Decree timetable the following is ordered:

- DPW is ordered to file progress reports every two weeks, beginning on August

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1, 2009 regarding the *Partula radiolata* and its efforts in addressing the situation;

- The Guam Environmental Protection Agency is hereby directed to file a request detailing its budgetary need for additional funds in order to work on specific Consent Decree Projects. Said request shall be filed by 12:00 noon, July 29, 2009;
- The Government of Guam shall use its best efforts to execute the Letter of Intent with the military by close of business on July 17, 2009; and
- GBB is permitted to establish appropriate interim residential collection fees as set forth in its July 2009 quarterly report.

Lastly, the next status hearing is scheduled for October 21, 2009 at 9:00 a.m. All parties previously ordered to attend the July 15, 2009 status hearing are required to attend the October 21 status hearing.

SO ORDERED.



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jul 15, 2009