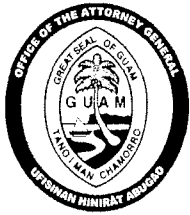


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FILED
DISTRICT COURT OF GUAM

AUG 03 2009

JEANNE G. QUINATA
CLERK OF COURT

Office of the Attorney General
Alicia G. Lintiacio
Attorney General of Guam
Civil Division
287 West O'Brien Drive
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30-09-0973
Office of the Speaker
Judith T. Won Pat, Ed. D.

Date _____
Time _____
Received by _____

10:30
3/09
2009 AUG -11 AM 11:20

Attorneys for the Government of Guam

**UNITED STATES DISTRICT COURT
TERRITORY OF GUAM**

UNITED STATES OF AMERICA)	CIVIL CASE NO. 02-00022
)	
Plaintiff,)	
)	
vs.)	
)	GUAM ENVIRONMENTAL PROTECTION AGENCY
GOVERNMENT OF GUAM,)	MONTHLY
)	PROGRESS REPORT
Defendant.)	
)	

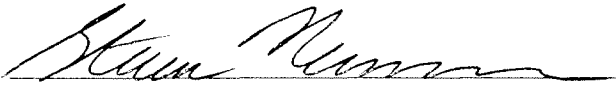
The Guam Environmental Protection Agency (Guam EPA), by and through the Office of the Attorney General, files the attached monthly report with attachment thereto, pursuant to the Consent Decree Order (*see* Docket No. 330), dated January 14, 2009, the Consent Decree Order (*see* Docket No. 357), dated February 12, 2009, and the Consent Decree Order: "ORDER RE: STATUS HEARING" dated March 6, 2009 (*see* Docket No. 374).

///

1 The attached report outlines the progress on the permitting process for the RCRA
2 Subtitle D compliant Municipal Solid Waste Facility (MSWL) at Layon.

3 Respectfully submitted this 3rd day of August, 2009.
4

5 OFFICE OF THE ATTORNEY GENERAL
6 **Alicia G. Limtiaco, Attorney General of Guam**

7 By: 
8 **STEVEN M. NEWMAN**
9 Assistant Attorney General
Attorneys for Defendant Government of Guam

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GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

FELIX P. CAMACHO
GOVERNOR OF GUAM

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921
TEL: 475-1658/9 • FAX: 477-9402

MICHAEL W. CRUZ
LT. GOVERNOR OF GUAM

July 29, 2009

MEMORANDUM

TO: Attorney General
FROM: Administrator
SUBJECT: Cost for Consent Decree Activities

As you maybe aware all current solid waste staff and others assigned to performed Consent Decree work and other solid wastes issues are funded through federal grants and from other environmental programs within Guam EPA. Although Public Law 24-304 authorized the hiring of specific positions to manage the Program but to date no funding has been allocate by the Government of Guam to support this Program.

I have tapped into all the resources available within Guam EPA to be part of the advancement of the Consent Decree with the present resources without any foreseeable means of additional funding

Attached is an estimated cost analysis of Consent Decree related work since March 2008 inclusive of anticipated cost up to the opening of the Layon Municipal Solid Waste Landfill scheduled for September 2010.

It is my sincerest hope that the District Court considers this request as an alternative solution for this agency so that we can continue to perform all Consent Decree related work. Note that future cost report will provide narrative similar to monthly status report filed to the court. Should you have any questions, please feel free to contact me at 475-1620 or via email at Lorilee.Crisostomo@epa.guam.gov.

As discussed, please file this report with the District Court and provide our office with a stamped received copy. Thank you for your prompt attention.


LORILEE T. CRISOSTOMO

attachment

GEPA's Staff Work Hours for Consent Decree

Landfill Systems and Entrance Facilities (including Closure of Ordot) Started 3/08								
Name	Consent Decree Activity	# of CD related work (hours)	Estimated Number of Hours from 3/08 -end of 7/09 (16 months)	Anticipated Number of Hours from Aug.09-Sept. 2010 (14 months)	Remarks	Total/Estimated Hours	Hourly Rate	Total
Lorlee T. Cnsostomo, Administrator	Oversees the Consent Decree Projects	0.10%	292 Hrs	235 Hrs	Oversees Consent Decree	527	\$ 29.25	\$ 15,414.75
V. Hemulth Wuerch	Review/comment on/prepare : Construction plans/specs, WorkPlans, Hydrogeological conceptual site model, Inspection reports, Correspondence, Operating permit, Conduct site inspections, Prepare/attend migs. & conference calls	20%	3/8/09-7/9/09 16 mos. X 21 days/mo =336 days. 336 days x 8 hrs/day=2,688 hrs. 2,688 hrs x 20%=537.6 hrs. 538 hrs.	7/10 - 7/31/09 16days 7/10/09-08/31/09 14 mos x 21 days/mo=294 days 310 days x 8 hrs/day=2,480hrs. 2,480 hrs. x20%= 496 hrs.	Mr. Wuerch has passed on March 2009. Will no longer be involved.	1034	\$ 39.22	\$ 40,553.48
Barbara Torres	Permit/Meetings and Review	50%	3/08 to 3/09 or 12 mo.x 21 daysx4=242 mo.x4=968 hrs.	N/A	No longer with GEPA. Ms Torres was involved with the CD issues even before the Receiver took over SW management for DPW.	968	\$ 24.00	\$ 23,232.00
SW Program New Manager	Permit Reviews /Meetings and some site inspections	50%	N/A	50%-14 mox21d/mo.x4=1036 hrs	When hire the new SW Program Manager will be doing same work as Ms Barbara Torres	300	\$ 24.00	\$ 7,200.00
Mike Cruz	Inspections/Document Review	50%	3/08 to present =16months @21d/mo.x4=1304hrs	50%-14 mox21d/mo.x4=1036 hrs.	Mike works with Mr. Benny Cruz on Water Resource Issues	2340	\$ 24.56	\$ 57,470.40
Glenn SN	Inspections/Document Review	50%	3/08 to present=1304 hours	50%-14mox21d/mo.x4=1036	Glenn SN has been part of the inspections at Ordot and will continue to assist the SW Program	2340	\$ 22.15	\$ 51,831.00
Edwin Salas	Inspections	50%	N/A	50%-14mo.x21/mox4=1036	Mr. Salas will be doing inspection at the new sites and involve with permitting issues like field trips and oversight meetings	1036	\$ 16.00	\$ 16,576.00
Landfill Facility Permits & Access Road and Utilities								
Crispin Bensen	Engineer	100%	16mox21 days 8hrs/d=2608 hrs.	100%-14mox21 d/mo.x8=2,072 hrs.	Spends 100% of his time on Consent Decree Issues	4680	\$ 24.56	\$ 114,940.80
Vince Penerra	Permit Writing	50%	3-months @21 total days/mo or 63 daysx4 hrs=252 hrs	10% (1 hr./dx21d/mo. X 14 months=294 hrs.	Permitting will be completed by end of July but comments will continue for 45 days and will continue to be part of the activities with the landfill	546	\$ 20.91	\$ 13,409.76
Peter Cruz	Permit Writing	50%	252 hrs	294 hrs.	Permitting will be completed by end of July but comments will continue for 45 days and will continue to be part of the activities with the landfill	546	\$ 24.00	\$ 13,104.00
Luong Truong	Permit Writing and Inspections	50%	252 hrs	294 hrs	Permitting will be completed by end of July but comments will continue for 45 days and will continue to be part of the activities with the landfill	546	\$ 19.99	\$ 10,914.54

GEPA's Staff Work Hours for Consent Decree

Landfill Systems and Entrance Facilities (including Closure of Ordot) Started 3/08								
Name	Consent Decree Activity	# of CD related work (hours)	Estimated Number of Hours from 3/08 -end of 7/09 (16 months)	Anticipated Number of Hours from Aug.09-Sept. 2010 (14 months)	Remarks	Total/Estimated Hours	Hourly Rate	Total
Conchita Taitano	Meetings and Management Work	50%	16 months-1304 hours	50%-14 mox21 d/mo.x4=1036	Will continue to do 50 work for next 14 months.	2340	\$ 28.47	\$ 66,619.80
Acting for SW	Meetings and Management work	50% of her time	16 months-1304 hours	50%-14mox21d/mo.x4=1036	Will continue to do 50% work for next 14 months.	2340	\$ 28.47	\$ 66,619.80
Betwin Alokoa	Review and comments	1%	16 mo/21dayx1hr.=326hrs	14 mo/21/dayx1hr.=284	Spends 1% to assist in review and meetings	610	\$ 21.66	\$ 13,212.60
Ivan Quinata, Chief Engineer	Chief Engineer review cleanng, grading, stockpiling permits, site inspection	10%	Jan09-Jul09: 7 months - 112 hrs	Aug09-Sep10: 14 months - 224 hrs	Started employment at GEPA on 12/22/08. To include meetings for compliance with GEPA regulations and site inspection for verification	336	\$ 34.18	\$ 11,484.48
Ivan Quinata, Chief Engineer	Prepare/attend court hearings	24 hrs	May09: 16 hrs Jun 09 8 hrs.	Aug09-Sep10: 5 Qtrs - 8hrs/Qtr= 40 hrs	Quarterly court hearings	64	\$ 34.18	\$ 2,187.52
Ivan Quinata, Chief Engineer	Review construction drawings & inspection reports, attend meetings, provide review comments, operating permit review, and conduct site inspections	5%	Jan09-Jul09: 7 months - 56 hrs	Aug09-Sep10: 14 months - 112 hrs	To include meetings for clarifications and comments and site inspection for verification	168	\$ 34.18	\$ 5,742.24
Benny Cruz, Engr. Supervisor	Review/comment on : Construction plans/specs, WorkPlans, Hydrogeological conceptual site model, Inspection reports, Correspondence, Operating permit, Conduct site inspections, Prepare/attend mtgs. & conference calls.	20%	3/8/09-7/9/09 16 mos. X 21 days/mo +336 days. 336 days x 8 hrs/day+2,688 hrs. 2,688 hrs x 20%=537.6 hrs. 538 hrs	7/10 - 7/31/09 16days 7/10/09-08/31/09 14 mos x 21 days/mo=294 days. 310 days x 8 hrs/day=2,480hrs 2,480 hrs. x20%= 496 hrs.	Mr. Cruz has been involved with the Consent Decree prior to the receivership.	1034	\$ 34.18	\$ 35,342.12
Manuel Minas	Plans construction reviews, clearing, stockpiling, grading permits attende mts. And site inspections.	50%	120 Hrs	120 Hrs.	Plans construction reviews, clearing, stockpiling, grading permits attende mts. And site inspections.	240	\$ 23.03	\$ 5,527.20
Oscar Delfin	Process Plans construction reviews, clearing, stockpiling, grading permits attende mts. And site inspections.	50%	120 Hrs	120 Hrs.	Process Plans construction reviews, clearing, stockpiling, grading permits attende mts. And site inspections.	240	\$ 21.66	\$ 5,198.40
Helen Gumataotao	Assist in Administrative task for water division.	100%	8 Hrs.			8	\$ 13.79	\$ 110.32
Connie Afleje		50%	6 mos. 360 hrs.	14 mo/21/dayx1hr.=284		644	\$ 16.60	\$ 10,690.40
Trinidad Borja	Reviews Administrative related tasks.	5%	104	140	Review Administrative Tasks	140	\$ 22.40	\$ 3,136.00
Diana Aldan-Muna	Assist in Administrative tasks for the Agencies Hydrogeologist/filing/copying/preparing documents.	5%	140	140	Assist in Administrative Tasks.	140	\$ 13.10	\$ 1,834.00
Jesse Cruz	Monitoring	On call Basis	4 hours between 3/08 and July 2009	Anticipate only 4 hrs/quarter	Will continue to work with the SW on a on call basis to do monitoring activities	36	\$ 25.69	\$ 924.84
AG's Office	Provide Legal Services	Monthly			Flat rate of \$5000 a month x 14 months			\$ 70,000.00
Grand Total						960		\$ 577,861.70