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Messages and Communications

Speaker Won Pat <speaker@judiwonpat.com>
To: Guam Legislature Clerks Office <clerks@guamlegislature.org>

Tue, Feb 17, 2015 at 3:32 PM

2/17/2015 2/6/2015 Cabot MANTANONA LLP

Case No. CV-02-00022; District Court of Guam
General Civic Minutes General February 6, 2015;
Government of Guam's Bi-Weekly Status Report: 33-15-017 5
Dump Sites; DPW Weekly Report on Progress of
Roads and Bridge Projects (February 9, 2015)

----- Forwarded message -----

From: Stacy C Cuasito <sc@cmlaw.us>
Date: Tue, Feb 17, 2015 at 1:23 PM
Subject: USA v. GovGuam 02-00022
To: "speaker@judiwonpat.com" <speaker@judiwonpat.com>
Cc: "tmterlaje@gmail.com" <tmterlaje@gmail.com>

Dear Speaker Wonpat:

Please see the filings in the above matter.

Thank you.

Stacy C. Cuasito, *Legal Secretary for*
Rawlen M.T. Mantanona & Matthew S. Kane

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929 South Marine Corps Drive
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33-15-017 5
Office of the Speaker
Judith T. Won Pat, Ed.D



Date: 2/17/2015
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2015 FEB 17 PM 3:25 88

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Ufisinan I Etmás Ge'helo'Gi Liheslaturan Guáhan
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3 attachments

-  **Minute Entry for 020615 ECF 1518.pdf**
101K
-  **Layon - Government of Guam's Bi-Weekly Status Report Dump Sites ECF 1522.pdf**
50K
-  **DPW Weekly Report on Progress of Road and Bridge Projects (February 9, 2015) ECF 1521.pdf**
91K

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CIVIL MINUTES
GENERAL**

CASE NO.: CV-02-00022

DATE: February 6, 2015

CAPTION: USA v. Government of Guam

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Judith P. Hattori

Court Reporter: Veronica F. Reilly

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 8:34 - 8:50

9:08 - 9:35

9:42 - 10:34

10:42 - 11:52

CSO: D. Quitugua

APPEARANCES: see attached

**PROCEEDINGS: Continued Hearing on Government of Guam's Financing Plan;
Closing Argument by US Attorney Mullaney; Closing Argument
by Federal Receiver Attorney Tang; Rebuttal Closing Argument
by Government of Guam Attorney Mantanona**

- Court questioned Mr. Mantanona, Mayor Gogue and Mr. Manning.
- Closing Argument by Mr. Mullaney.
- Closing Argument by Mr. Manning.
- Court to issue scheduling order.

NOTES:

<p style="text-align: center;">GBB</p> <p>David Manning, Receiver Representative (Via Telephone) Chase Anderson, Operations Manager Joyce Tang, Attorney for GBB, Inc. as Federal Receiver for the Guam Solid Waste Authority</p>	<p style="text-align: center;">Government of Guam (Office of the Governor)</p> <p>Rawlen Mantanona Sandra Cruz-Miller</p>
<p style="text-align: center;">USAO / US EPA</p> <p>Mikel W. Schwab, AUSA Robert D. Mullaney, AUSA (via VTC) Valerie K. Mann, AUSA (Via Telephone)</p>	<p style="text-align: center;">Mayors</p> <p>Jessey Gogue, Chalan Pago-Ordot Doris Lujan, Inarajan</p>
<p style="text-align: center;">Solid Waste Authority Board</p> <p>Alexandra Taitano Andrew Gayle</p>	

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IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CIVIL CASE NO. 02-00022
)	
Plaintiff,)	
)	
v.)	GOVERNMENT OF GUAM'S
)	BI-WEEKLY STATUS REPORT:
GOVERNMENT OF GUAM,)	DUMP SITES
)	
Defendant.)	

Pursuant to this court's order dated May 27, 2011 (Docket No. 740) the Government of Guam by and through its attorneys of record Cabot Mantanona LLP, files its bi-weekly status report on behalf of Guam Environmental Protection Agency ("Guam EPA") regarding its investigations of the dump site and all other dump sites within the lesser of a three-mile radius of the Ordot Dump or shoreline. Submitted herewith and attached hereto as Exhibit 1 is Guam EPA's report dated February 13, 2015.

Respectfully submitted this 16th day of February, 2015.

CABOT MANTANONA LLP
Attorneys for Government of Guam

By: /s/ Rawlen M.T. Mantanona
RAWLEN M.T. MANTANONA

EXHIBIT 1

GUAM ENVIRONMENTAL PROTECTION AGENCY

BIWEEKLY REPORT

February 13, 2015

BACKGROUND

Pursuant to the District Court of Guam's Order dated May 27, 2011 (*see* Docket No. 740, hereinafter, the "May Order") the Guam Environmental Protection Agency (Guam EPA) hereby submits its biweekly report outlining its progress in investigating the dump site described in the Receiver's Special Report filed on May 27, 2011 and all other dumpsites within the lesser of a three-mile radius of the Ordot Dump or the shoreline. *See* Docket No. 739.

Guam EPA notes the following, as it relates to the mandates of the Court Order:

- Guam EPA actively investigates properties throughout the island where solid waste, i.e. white goods, electronics and household furniture, have been discovered. Strict enforcement action is taken against violators. There is little chance of leachate generation from these items.
- Guam EPA is reviewing work previously conducted relative to the Lujan property in Mongmong-Toto-Maite. The agency is moving toward causing for the closure of the site as a hardfill. The U.S. Environmental Protection Agency has indicated that it is "no longer involved in the tracking" of the site.
- The Administrator has officially notified the Governor of his decision to cause for the closure of the Dededo transfer station. He has also requested for guidance and assistance from the Office of the Attorney General on the matter, and relative to crafting procurement documents specific to closure. The Administrator is communicating with the Office of the Attorney General relative to filling out the necessary relative to beginning this process.

Dated this 13th day of February 2015:

GUAM ENVIRONMENTAL PROTECTION AGENCY

CABOT MANTANONA LLP

Date: 2/13/15
Time: 2:19
Initials: llm

By:



ERIC M. PALACIOS
Administrator

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IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 GOVERNMENT OF GUAM,)
)
 Defendant.)

CIVIL CASE NO. 02-00022

**DPW WEEKLY
REPORT ON PROGRESS OF
ROAD AND BRIDGE PROJECTS
(February 9, 2015)**

Pursuant to the ORDER RE: SPECIAL REPORT issued by the Court on June 7, 2010, [Doc.581-1], the **DEPARTMENT OF PUBLIC WORKS ("DPW")** hereby submits the attached report marked as EXHIBIT A which details the status and progress of the road and bridge projects along Route 4 which affect the Consent Decree.

Date: February 13, 2015.

CABOT MANTANONA LLP

By: /s/ RAWLEN M.T. MANTANONA
RAWLEN M.T. MANTANONA

CERTIFICATE OF SERVICE

I, **RAWLEN M.T. MANTANONA**, hereby certify that I have served a copy of the foregoing by delivering to:

James Michael Maher
Law Office of James M. Maher
DNA Bldg., Ste. 300
238 Archbishop Flores St.
Hagatna, Guam 96910

And delivering via US regular mail to:

Young Chull Kim
CO Wanjoo Kim, Attorney-in-Fact
158 Thomas Street
Tamuning, GU 96913

Dated: February 13, 2015.

CABOT MANTANONA LLP

By: /s/ RAWLEN M.T. MANTANONA
RAWLEN M.T. MANTANONA

EXHIBIT “A”

Consent Decree Route 4 Project Status – Weekly Report

February 9, 2015

The following Route 4 projects are along the transfer truck route to the Layon Landfill and are considered critical elements in the on-going operations of transfer trucks travelling to and from the landfill.

(1) Ylig Bridge:

Status:

- Construction: Approximately 98% complete.

Issues:

- Issue resolution is in progress.

Progress (since last report):

- All original contract work completed. Design of property access is ongoing. Punch list, change order and cleanup work remain.

Schedule:

- Project delays attributed to resolving water line conflicts, subsurface pile conflicts archeological data recovery, Ylig memorial site and perpetuation of existing property access.

Issue Bid Docs	Bid Opening	Executed Contract	NTP	Phase 1 open¹	Project Complete
8/17/2010	10/4/2010	11/10/2010	11/24/2010	7/28/2011	11/20/2011
Expected completion date				8/8/2011 (Actual)	March 2015

1- Bridge open to full legal loads in the southbound direction (toward Layon Landfill).

(2) Togcha and Talofofa Bridges:

Status:

- Project complete

(3) Route 4 Pago Bay to Route 17:

Status:

- Project complete

(4) Togcha River to Ipan Beach Park:

Status:

- Project complete

(5) As-Alonso Arca Route 4 (slope stability assessment):

Status:

- August 22, 2013: DPW responded to the receiver that Route 2 is the alternate access to the Layon Landfill.
- August 12, 2013: The receiver, sent a letter to DPW agreeing with DPW's recommendation to pursue Option 3 outlined in the 2nd *Draft Geotechnical Investigation As Alonso Slides on Route 4 near Inarajan, Guam, April 10, 2013*, so long as DPW could identify an alternate route for access to the Layon Landfill should Route 4 become inaccessible.
- July 3, 2013: GSWA received a letter from DPW stating its preference for Option 3 in the April 17, 2013 draft report (below) and requested concurrence from GSWA.
- Apr 17, 2013: The second draft Geotechnical Investigation Report submitted to the Receiver.
- Apr 10, 2013: Kleinfelder submitted the second draft Geotechnical Investigation report to PTG.

(6) Route 4 Safety Enhancements:

Status:

- September 17, 2014: DPW transmitted the 25% conceptual plan cost estimate to the receiver.
- July 29, 2014: DPW received the final estimate of probable costs for widening and pavement improvements to Route 4 to accommodate the long refuse transfer vehicles.
- July 15, 2014: DPW received Final 25% Conceptual Plans and Basis of Design from AECOM. Awaiting final cost estimate.
- June 17, 2014: DPW will present comments on 25% Conceptual Plans to the Design firm, AECOM.
- June 3, 2014; AECOM submitted revised 25% Conceptual Design plans for DPW's review and comment.
- May 9, 2014: DPW returned first draft of 25% Conceptual Design to AECOM for revisions.
- May 2, 2014: AECOM submitted the first draft of the 25% Conceptual Design for DPW's review and comment.
- February 13, 2014: AECOM submitted their proposed project schedule showing completion of the conceptual design by June 12, 2014.
- January 28, 2014: Kick off meeting was held between DPW and AECOM to review the project scope and schedule. Formal schedule to include deliverables will be established in the next few weeks.
- January 17, 2014: Task Order 3A was approved by the Receiver and NTP issued to AECOM to begin work on Phase 1 of the project.
- October 25, 2013: Task Order 3A for Islandwide Roadway and Bridge Design for Route 4 Curves (Ylig Bridge to Dandan Road) was received by the Receiver for their review and approval.
- September 26, 2013: DPW received signed task order back from AECOM. DPW will process and forward to the Receiver for final review, approval and acceptance.
- September 16, 2013: Task order, with recommended changes from the Receiver, is being signed/processed by AECOM. Once returned to DPW, it will be forwarded to the Receiver for final review, approval and acceptance.
- August 21, 2013: DPW is drafting a task order for approval by the Receiver.
- August 14, 2013: DPW addressed two questions that the Receiver had with the Scope of Work for AECOM's safety enhancement project.
- June 14, 2013: DPW submitted the draft fee proposal to the Receiver for review and approval.

- Apr 15, 2013: DPW will re-scope the design services with AECOM for an incremental approach to design and subsequently develop a task order for task number 1. Once drafted the task order will be submitted to the Receiver for concurrence to proceed.
- Apr 8, 2013: Receiver informally indicated that incremental approach to design was acceptable.
- Apr 5, 2013: Suggested option of implementing an incremental approach to design to ensure an efficient project and reduce design and construction costs submitted to the Receiver.
- Mar 19, 2013: Meeting with Receiver to discuss design services scope and fee.
- Feb 27, 2013: Negotiation memo for design services by AECOM sent to the Receiver for review and comment. The design services estimate was significantly higher than expected.