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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. 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 requiring the Government of Guam to begin making weekly payments. The payments would start on March 1, 2009 in the amount of \$993,000.

The Government of Guam’s attorney requested that it be permitted to provide comment as to GBB’s proposed payment schedule. Accordingly, the court hereby Orders that the Government of Guam file its Response by 12:00 noon, January 22, 2009. The Government of

1 Guam shall include in its Response any alternative means of financing the Consent Decree
2 projects it believes viable. Any such proposal shall be set forth in detail and shall ensure
3 compliance with the timetable as previously adopted by this court. As pointed out by GBB at
4 the status hearing, air space at the Ordot Dump is running out quickly and extending its
5 lifespan is simply not possible. This court agrees and rejects any attempt to extend Ordot
6 Dump's lifespan.

7 The court notes that GBB is not recommending, nor is the court ordering, that the funds
8 needed come from general operations. Decisions regarding how the Government of Guam will
9 fund the required projects are policy decisions that remain with the Governor and the Guam
10 Legislature. This court is well-aware of the financial condition of our government and our
11 island's economy. However, resolving such issues are responsibilities which lie solely with
12 Guam's leaders, and not with this court. For this reason, the court again encourages Guam's
13 leaders to cooperate in resolving the Ordot Dump crisis.

14 In addition, to ensure that the October 22, 2008 timetable is maintained (*see* Docket No.
15 272), the Guam Environmental Protection Agency ("GEPA") and the United States
16 Environmental Protection Agency ("USEPA") shall submit a joint report by February 4, 2009
17 outlining the permitting process for the Solid Waste Management Facility at Layon to meet the
18 timetable. GEPA and USEPA shall advise the court if any assistance from the court or GBB is
19 required.

20 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jan 14, 2009