

Guam Land Dispute May Affect National Security In Asia-Pacific Region

Guam's public water utility may be unable to provide wastewater services to two major military bases due to legal dispute with large corporation.

MANGILAO, GUAM, November 1, 2024 /EINPresswire.com/ -- (Original Release: June 21, 2024) The [Guam Waterworks Authority](#) (GWA), Guam's only public water utility, is currently entangled in a legal dispute in the Guam local courts with a large corporation over the land on which the island's largest wastewater treatment plant sits. If the corporation is victorious, GWA may be unable to provide wastewater services to two major military bases and the most populous area of Guam, potentially threatening national security, as well as the island's overall economy and quality of life.



An aerial view of Guam's Northern District Wastewater Treatment Plant, which provides critical wastewater services to two major military bases and the most populous area of Guam.

The Northern District Wastewater Treatment Plant (NDWWTP) has occupied the land in question since 1979. Core Tech International claims it has a certificate of title to the plant lot issued in 2014, which the Guam Department of Land Management has repeatedly deemed invalid. As part of the dispute, Core Tech has filed an inverse condemnation claim against the Government of Guam and GWA, seeking more than \$200 million in rents and damages.

"Losing a multimillion-dollar facility like the Northern District Wastewater Treatment Plant jeopardizes compliance agreements with the EPA, investor confidence for hundreds of millions of dollars in publicly issued bonds, and critical infrastructure for the U.S. Military," said GWA General Manager Miguel C. Bordallo. "This attempted corporate land grab of a decades-old, publicly owned facility should be shocking to any community. The wrong decision here will certainly set a disturbing precedent that affects our economy and our utility rates, but most concerning, is the unintended consequence of posing a risk to military facilities key to national security in the Asia-Pacific region."



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The NDWWTP recently underwent a \$130 million upgrade project to ensure the plant is fully compliant with National Pollutant Discharge Elimination System (NPDES) permit requirements of the U.S. Environmental Protection Agency (USEPA). These upgrades along with other related sewer system improvements were financed using \$173 million in grant funding from the U.S. Department of Defense.

The case is currently awaiting review by the Supreme Court of Guam of a request for appeal filed by GWA after the

Superior Court of Guam ruled that Core Tech owns the land. The Superior Court ruling ignores multiple laws requiring the Guam Legislature’s approval before any public land is transferred to a private party. GWA has maintained since the case’s filing in 2018 that Core Tech has never owned the land in question. The Legislature recently told the Guam Supreme Court in court filings that it “never authorized the sale or transfer of the land under the NDWWTP from GWA to any party, much less a private party, and never specifically identified such property in any legislation authorizing sale to a nongovernmental party, the Superior Court’s orders finding that Core Tech holds title to the property violate the plain terms of the Organic Act and Guam law.”

“Core Tech’s legal team is trying to game the system to the detriment of the people of Guam and take hundreds of millions of dollars from the public in the process,” said attorney Rodney Jacob of Calvo Jacob Pangelinan, GWA’s litigation counsel. “The notion that our government made a mistake and accidentally gave this vital asset away is a legal charade that has been forcefully discredited by the recent amicus curiae filings from the Guam Legislature, the Governor of Guam and the Public Utilities Commission of Guam.”

In Core Tech’s claim for damages, including both past rent and future rent until the utility can vacate the property, GWA estimates the total payout to be at least \$220 million, or the equivalent of \$4,800 from each ratepayer.

“The ramifications of Core Tech winning this case are catastrophic,” said GWA General Counsel Theresa Rojas. “If GWA is forced to incur these damages, which are double GWA’s annual operating revenue, it would have a ripple effect that would negatively affect everyone that relies on GWA for our island’s most critical resource.”

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Above press release references Guam Superior Court Case No. CV1198-18 and Guam Supreme Court Case No. CVA24-007.

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