

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION FOR FINANCIAL ASSURANCE
FOR POSTCLOSURE MAINTENANCE AND
CORRECTIVE ACTION OF THE AMADOR
COUNTY SANITARY LANDFILL
(A.K.A., BUENA VISTA LANDFILL)

RESOLUTION NO. 16-031

WHEREAS, Public Resources Code sections 43500 through 43610.1 and Title 27, California Code of Regulations (Regulations), Division 2, Subdivision 1, Chapter 6, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure, postclosure maintenance, and corrective action activities; and

WHEREAS, sections 22228 and 22245 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for financing postclosure maintenance and corrective action costs of a solid waste landfill.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Amador that:

1. The County of Amador operates the Buena Vista Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 03-AA-0001 issued by, Amador County LEA serving as Local Enforcement Agency for the California Department of Resources Recycling and Recovery (CalRecycle), herein after referred to as CalRecycle.
2. The County of Amador shall establish a Pledge of Revenue to demonstrate financial responsibility for postclosure maintenance and corrective action of the Buena Vista Landfill in accordance with sections 22228 and 22245 of the Regulations.
3. Disbursement of funds for postclosure maintenance and corrective action shall be in accordance with the final postclosure maintenance and corrective action plan, as approved by CalRecycle.
4. In the event CalRecycle determines that the County of Amador has failed, or is failing, to perform postclosure maintenance and corrective action as required by law, CalRecycle may direct the Amador County Auditor to pay to the Public Works Director from the pledged revenues sufficient funds to ensure postclosure maintenance and corrective action, who then shall be obligated to use such funds

for postclosure maintenance and corrective action in accordance with the directives of CalRecycle.

5. The Public Works Director is directed to produce an Annual Certification Report (form CalRecycle 114) as required by Section 22233(b)(4)(B) of the Regulations to demonstrate that the pledged revenue continues to be available when needed and will cover the cost estimates identified in the updated Annual Inflation Report required by Section 22236 of the Regulations. It is understood that copies of the Resolution and Pledge of Revenue Agreement are not required annually, unless amended.
6. The number of current members of the Board of Supervisors of the County of Amador who voted affirmatively when this resolution was adopted:

Ayes: Louis D. Boitano, Lynn A. Morgan, Richard M. Forster and Brian Oneto

Noes: None

Absent: John Plasse



Louis D. Boitano, Vice-Chairman, Board of Supervisors

STATE OF CALIFORNIA

COUNTY OF AMADOR

I, Jennifer Burns, Clerk of the Board of Supervisors of the County of Amador, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Supervisors at a regular meeting held on March 22, 2016, and duly entered in the minutes of said County.

ATTEST:

JENNIFER BURNS, Clerk of the
Board or Supervisors, Amador County,
California



Deputy



PLEDGE OF REVENUE AGREEMENT FOR
POSTCLOSURE MAINTENANCE AND CORRECTIVE ACTION
BUENA VISTA LANDFILL

This agreement establishes a Pledge of Revenue to assure that adequate funds are available to carry out the Postclosure Maintenance and Corrective Action of the Buena Vista Landfill.

This Agreement shall become effective immediately, and is made and entered into by and between the County of Amador and the California Department of Resources, Recycling and Recovery (CalRecycle).

WHEREAS, Public Resources Code, sections 43500 through 43610.1 and Title 27, California Code of Regulations (Regulations), Division 2, Subdivision 1, Chapter 6, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure and postclosure maintenance and corrective action activities; and

WHEREAS, sections 22228 and 22245 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for postclosure maintenance and corrective action costs of a solid waste landfill; and

WHEREAS, the County of Amador operated the Buena Vista Landfill, a closed solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 03-AA-0001 issued by Amador County LEA serving as Local Enforcement Agency for CalRecycle; and

WHEREAS, the County of Amador is pledging revenues from the Amador County General Fund; and

WHEREAS, the County of Amador has determined that projected net General Fund revenues during the thirty (30) year period of postclosure maintenance and during the corrective action period shall, during each year of these periods, be greater than the yearly monitoring and postclosure maintenance costs and corrective action costs contained in the most recent Cost Estimates for the Buena Vista Landfill, which have been submitted to CalRecycle in accordance with section 21840 and sections 22100-22103 of the Regulations.

NOW THEREFORE, the County of Amador and CalRecycle do agree as follows;

1. The County of Amador hereby establishes a pledge of revenue to demonstrate financial responsibility for postclosure maintenance and corrective action costs of the Buena Vista Landfill in accordance with sections 22228 and 22245 of the Regulations.
2. The County of Amador agrees to pledge net revenues from its General Fund as described herein.

3. The amount of the pledged revenue shall be equal to \$174,391.91 per year (2015 dollars) for the 30 year period of postclosure maintenance, representing the most recent monitoring and postclosure maintenance cost estimate for the Buena Vista Landfill. It is agreed that the amount of this pledge may increase or decrease to match any adjustment to the identified cost estimate, which is mutually agreed to by the County of Amador and CalRecycle.

4. The amount of the pledged revenue shall be equal to \$148,516.00 per year (2015 dollars) for 15 years, which equates to one half of the estimated length of the known corrective action period or pay-in-period (i.e., 30 years), representing the most recent corrective action cost estimate for the Buena Vista Landfill. It is agreed that the amount of this pledge may increase or decrease to match any adjustment to the identified cost estimate, which is mutually agreed to by the County of Amador and CalRecycle.

5. The total amount pledged for both postclosure maintenance and corrective action is \$322,907.91 per year (2015 dollars).

6. If the County of Amador ceases at any time to retain control of its ability to allocate the pledged revenue as identified herein to pay postclosure maintenance costs and corrective action, the County of Amador shall notify CalRecycle and the local enforcement agency and shall obtain alternate coverage within sixty (60) days after the control of funds lapses, pursuant to section 22245 of the Regulations.

In the event that CalRecycle, RWQCB or LEA staff determines that the County of Amador has failed, or is failing, to perform postclosure maintenance and corrective actions as required by law, CalRecycle, RWQCB and LEA staff shall confer with the County of Amador and attempt to resolve the alleged violation. If no agreement is reached, the matter shall be presented to CalRecycle which shall give reasonable notice, hold a public hearing, and consider the testimony and documentation submitted by CalRecycle and LEA staff, the County of Amador, and any interested parties, prior to making a determination in the matter. In the event CalRecycle then determines that County of Amador has failed, or is failing, to perform postclosure maintenance and corrective action as required by law, CalRecycle may direct the Amador County Auditor to pay the Landfill Operator from the pledged revenues sufficient funds to ensure postclosure maintenance and corrective action, who then shall be obligated to use such funds for postclosure maintenance and corrective action in accordance with the directives of CalRecycle and RWQCB.

IN WITNESS HEREOF, the parties have executed this agreement on the date as set forth below.

By County this 22nd day of March, 2016

By CalRecycle this _____ day of _____, 2016

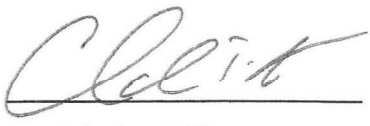
STATE OF CALIFORNIA
Department of Resources, Recycling and Recovery (CalRecycle)

By: _____
Authorized Officer of CalRecycle

APPROVED AS TO FORM
AND PROCEDURE:

By: _____
Authorized Counsel of the CalRecycle

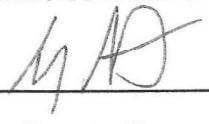
COUNTY OF AMADOR

By: 
County Admin. Officer
Charles T. Iley

ATTEST:

By: _____
Name Title
Jennifer Burns, Clerk of the Board

APPROVED AS TO FORM
AND PROCEDURE:

By: 
County Counsel
Gregory Gillott