



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject CalRecycle Pledge of Revenue Agreement	Board Meeting Date November 14, 2017	Agenda Number 15
Dept: Public Works Contact: Jeff Crovitz Phone: 209/754-6402	Supervisorial District Number Countywide	Consent Agenda
Published Notice Required? No Public Hearing Required? No		Estimated Time: 0
Type of Document? Resolution PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Adopt a Resolution approving the Pledge of Revenue Agreement with CalRecycle for post-closure maintenance and corrective action for the Red Hill Landfill, an inactive municipal landfill; and authorize the Board Chair to sign the Agreement.

DISCUSSION/SUMMARY:

Calaveras County owns and operates the Red Hill Landfill. This landfill stopped accepting waste in 1990 and closure was completed in 1996, in accordance with approved closure plans. As the owner/operators, the County is required to continue monitoring and maintaining the landfill subsequent to its closure to protect against the release of hazardous elements to the environment.

CalRecycle, the governing entity for landfills, requires that the County maintain financial assurances for post-closure maintenance until CalRecycle determines that the County has completed post-closure maintenance according to the applicable post-closure plan, generally thirty (30) years after closure, where California Environmental Protection Agency's Approval of Final Closure letter is dated January 30, 1997, with an expiration date of January 30, 2027.

California Code of Regulations (CCR), Title 27, Division 2, Chapter 6, Subchapter 2, requires owners/operators of solid waste facilities to demonstrate that financial resources are available to implement closure, conduct post-closure maintenance, cover operating liability, and fund corrective action.

Pursuant to 27 CCR §22211, the amount of the financial demonstration must be at least the amount of the most recently approved post-closure maintenance cost estimate multiplied for a period of 30 years. The most recently approved cost estimate for post-closure maintenance was submitted in May 2014. The cost estimated is to be adjusted annually for inflation.

State regulations detailed in 27 CCR §22228 allow the use of more than a dozen different financial instruments to demonstrate financial assurance. By adopting this Resolution, the Calaveras County Board of Supervisors will authorize the use of the Pledge of Revenue mechanism for assuring sufficient financial resources are available to implement post-closure maintenance and corrective action activities. This demonstration will then be accepted by Cal-

Recycle. By virtue of this financial mechanism, no reserves are maintained in a designated fund and post-closure maintenance and corrective action is funded through the operating budget.

Recognizing that the Pledge of Revenue mechanism does not provide for a cash reserve to allow an immediate response to a release, Public Works maintains the Red Hill Emergency Designated Fund (5635), at its discretion, which reflects a balance of \$747,798 as of June 30, 2017. These funds are independent of any commitments with regulatory agencies.

FINANCING:

There is no impact to the General Fund.

The Pledge of Revenue will be funded by the Public Works Department – Integrated Waste Management operating revenue through solid waste fees. Necessary budget appropriations have been included in the FY 2017-18 Integrated Waste Management budget.

ALTERNATIVES:

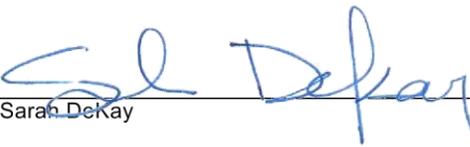
The Board may choose to do any of the following:

- A. Uphold the department's recommendation;
- B. Continue the item to another date for further consideration. This option is not recommended unless the Board specifically requests additional information which cannot be obtained during this meeting; or
- C. Deny the request. This is not recommended since if the County does not meet this requirement, the County will not be in compliance with State Regulations.

OTHER AGENCY INVOLVEMENT:

None

APPROVED BY:

 _____ Jeff Crovitz, Director	10/24/2017	 _____ Diane Beverud, Deputy Clerk of the Board of Supervisors	10/26/2017
 _____ Sarah DeKay	11/6/2017	 _____ Tim Lutz, County Administrative Officer	11/7/2017

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
November 14, 2017

Resolution
No. (ID # 3278)

**RESOLUTION AUTHORIZING AN AGREEMENT WITH
CALRECYCLE TO ESTABLISH A STATE-MANDATED
FINANCIAL ASSURANCE FOR POSTCLOSURE
MAINTENANCE AND CORRECTIVE ACTION OF THE
COUNTY-OPERATED RED HILL LANDFILL**

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/or corrective action costs of a solid waste landfill.

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

1. The County of Calaveras operates the Calaveras County Red Hill Landfill, an inactive municipal solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 05-AA-014 issued by the Calaveras County Environmental Health Department serving as Local Enforcement Agency for the California Department of Resources Recycling and Recovery; and
2. The County of Calaveras shall establish a Pledge of Revenue to demonstrate financial responsibility for postclosure maintenance and corrective action of the Red Hill Landfill in accordance with sections 22228 and 22245 of the Regulations; and
3. Disbursement of funds for postclosure maintenance and corrective action shall be in accordance with the final postclosure maintenance and corrective action plans, as approved by CalRecycle; and
4. In the event CalRecycle determines that the County of Calaveras has failed, or is failing, to perform postclosure maintenance and/or corrective action as required by law, CalRecycle may request the Auditor-Controller to pay to the Director of Public Works from the pledged revenues sufficient funds to ensure postclosure maintenance and/or corrective action, who then shall be obligated to use such funds for postclosure maintenance and/or corrective action in accordance with the directives of CalRecycle; and
5. The Director of Public Works 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 the copies of the Resolution and Pledge of Revenue Agreement are not required annually, unless amended.

Chair

ATTEST

Rebecca Turner, Ex-Officio Clerk
of the Board of Supervisors, County of Calaveras

Deputy Clerk