

**PLEDGE OF REVENUE AGREEMENT FOR
POSTCLOSURE MAINTENANCE AND CORRECTIVE ACTION
OF THE COUNTY-OPERATED RED HILL 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 Calaveras County Red Hill Landfill.

This Agreement shall become effective immediately, and is made and entered into by and between the County of Calaveras 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, 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 Calaveras operates the 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 Calaveras County Environmental Health Department serving as Local Enforcement Agency for CalRecycle; and

WHEREAS, the County of Calaveras, is pledging revenues from Solid Waste Fees on improved parcels for the Rock Creek Solid Waste Facility, Solid Waste Facilities Permit No. 05-AA-023 deposited into the Calaveras County Red Hill Emergency Fund ; and

WHEREAS, the County of Calaveras has determined that projected net revenues from parcel fees during the state-mandated period of postclosure maintenance, as determined pursuant to section 21900 of the Regulations) corrective action period, shall, during each year of this period, be greater than the yearly monitoring and postclosure maintenance costs and corrective action costs contained in the most recent Cost Estimate for the Red Hill Landfill, which has been submitted to CalRecycle in accordance with section 21840 and sections 22100 - 22103 of the Regulations.

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

1. The County of Calaveras hereby establishes a pledge of revenue to demonstrate financial responsibility for postclosure maintenance and corrective action costs of the Red Hill Landfill in accordance with sections 22228 and 22245 of the Regulations.
2. The County of Calaveras agrees to pledge net revenues from parcel fees as described herein.
3. The amount of the pledged revenue shall be equal to \$121,146 per year for the state-mandated period of postclosure maintenance, representing the most recent monitoring and postclosure maintenance cost estimate for the Red Hill 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 Calaveras and CalRecycle; and,
4. The amount of the pledged revenue shall be equal to \$380,773 per year for the estimated length of the corrective action period, representing the most recent corrective action cost estimate for the Red Hill 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 Calaveras and CalRecycle; and
5. The total amount of the pledged revenue, combining the postclosure maintenance and corrective action, shall be equal to \$501,919 per year for the required period. 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 Calaveras and CalRecycle; and

6. The Director of Public Works is directed to produce an Annual Certification Report (form CalRecycle 114) as required by Section 22234(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.

7. If the County of Calaveras 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 costs, the County of Calaveras 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.

8. In the event that CalRecycle, Regional Water Quality Control Board (RWQCB), or Local Enforcement Agency (LEA), staff determines that the County of Calaveras has failed, or is failing, to perform postclosure maintenance and corrective actions as required by law, CalRecycle, RWQCB and/or LEA staff shall confer with the County of Calaveras 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/or LEA staff, the County of Calaveras, and any interested parties, prior to making a determination in the matter. In the event CalRecycle then determines that the County of Calaveras has failed, or is failing, to perform postclosure maintenance or corrective action as required by law, CalRecycle may direct the Auditor-Controller to pay the Director of Public Works 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 _____ day of _____, 20__

By CalRecycle this _____ day of _____, 20__

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

COUNTY OF CALAVERAS

By: _____
Authorized Officer of the CalRecycle

By: _____
Chair, Board of Supervisors

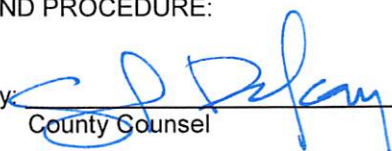
APPROVED AS TO FORM
AND PROCEDURE:

ATTEST:

By: _____
Authorized Counsel of the CalRecycle

By: _____
Clerk of the Board of Supervisors of
the County of Calaveras

APPROVED AS TO FORM
AND PROCEDURE:

By: 
County Counsel