



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO PROVIDE FINANCIAL ASSURANCE FOR POST-CLOSURE MAINTENANCE AND REASONABLY FORESEEABLE CORRECTIVE ACTIONS FOR THE MCCOURTNEY ROAD LANDFILL AND RESCIND RESOLUTION 97-80

WHEREAS, Public Resources Code sections 43500 through 43610.1 and Title 27, California Code of Regulations (27 CCR), 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; and

WHEREAS, the Board of Supervisors established a Pledge of Revenue from Solid Waste Parcel Charges per Resolution 97-80 (Section G-IV 8.16 of Chapter IV, Article 8 of the General Code of the County of Nevada); and

WHEREAS, the Pledge of Revenue requires updating per 2019 financial assurance cost estimates approved by CalRecycle and needs to include corrective actions in accordance with 27 CCR, sections 22228 and 22245.

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

1. The Director of Public Works is hereby authorized to execute the attached Pledge of Revenue Agreement for Postclosure Maintenance and Corrective Action, McCourtney Road Landfill on behalf of the County of Nevada with the California Department of Resources Recycling and Recovery (CalRecycle).
2. The County of Nevada maintains the closed McCourtney Road Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in the Solid Waste Permit No. 29-AA-0001 issued by the Nevada County LEA, serving as Local Enforcement Agency for the California Department of Resources Recycling and Recovery (CalRecycle).
3. Resolution 97-80 is hereby rescinded.
4. Disbursement of funds for postclosure maintenance and/or corrective action shall be in accordance with the final postclosure maintenance and/or corrective action plan, as approved by CalRecycle.

5. In the event CalRecycle determines the County of Nevada has failed or is failing to perform postclosure maintenance and/or corrective action as required by law, CalRecycle may direct the County Auditor-Controller to pay the Director of the Department of Public Works from the pledged revenues sufficient funds to ensure postclosure 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.
6. The Director of the Department of Public Works is directed to produce an Annual Certification Report (form CalRecycle 114) as required by 27 CCR, section 22233(b)(4)(B) to demonstrate the pledge revenue continues to be available when needed and will cover the cost estimates identified in the updated Annual Inflation Report required by 27 CCR, section 22236. It is understood that copies of the Resolution and Pledge of Revenue Agreement are not required annually, unless amended.
7. The number of current members of the Board of Supervisors of the County of Nevada who voted affirmatively when this resolution was adopted: