



RESOLUTION No. 97-80

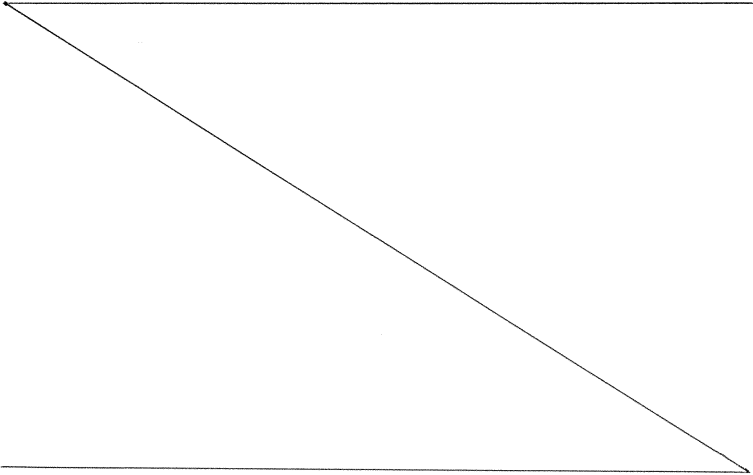
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA RESOLUTION TO PROVIDE FINANCIAL ASSURANCE FOR POST-CLOSURE MAINTENANCE OF THE MCCOURTNEY ROAD LANDFILL AND RESCIND RESOLUTION NO. 97-64

WHEREAS, California Public Resources Code Sections 43500 through 43610.1 and Sections of Title 14 of the California Code of Regulations (Regulations), Division 7, Chapter 5, Article 3.5, requires operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure and post-closure maintenance activities; and

WHEREAS, Sections 18283 and 18290 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for financing post-closure maintenance costs of a solid waste landfill.

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

1. The County of Nevada operated the 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 Integrated Waste Management Board (CIWMB).
2. The County of Nevada shall establish a Pledge of Revenue to demonstrate financial responsibility for post-closure maintenance of the McCourtney Road Landfill in accordance with Sections 18283 and 18290 of the Regulations.
3. Disbursement of funds for post-closure maintenance shall be in accordance with the plan, as approved by the CIWMB.
4. In the event the CIWMB determines that the County of Nevada has failed, or is failing, to perform post-closure maintenance as required by law, the CIWMB may direct the County Auditor-Controller, with written courtesy notice to the Board of Supervisors, and the Auditor-Controller shall then make payment to vendors performing post-closure maintenance in accordance with directives of the CIWMB from the pledged funds.
5. The Director of the Department of Transportation and Sanitation is directed to produce an annual report for transmittal to the CIWMB, containing, as appropriate, a revised post-closure maintenance cost estimate, prepared as specified by Section 18266 of the Regulations concerning the McCourtney Road Landfill.
6. Authorize the Chairman of the Board to execute on behalf of Nevada County the Pledge of Revenue Agreement Establishing Financial Assurance for Post-Closure Maintenance of the McCourtney Road Landfill.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 4th day of March, 1997, by the following vote of said Board:

Ayes: Supervisors Peter Van Zant, Karen Knecht, Fran Grattan, Rene Antonson, Sam Dardick.
Noes: None.
Absent: None.
Abstain: None.

ATTEST;
CATHY R. THOMPSON
Clerk of the Board of Supervisors

By Cathy R. Thompson

Rene W. Antonson
Chairman

DATE	COPIES SENT TO
3-5-97	DOTS (3) <i>gk</i>
	A-C <i>gk</i>
4-1-97	DOTS <i>gk</i>
	A-C <i>gk</i>
	CAO <i>gk</i>
	Counsel <i>gk</i>
File:	310.2028 002(B) ZLM:jm

AGREEMENT

PLEDGE OF REVENUE AGREEMENT ESTABLISHING FINANCIAL ASSURANCE FOR POST-CLOSURE MAINTENANCE OF THE MCCOURTNEY ROAD LANDFILL

This agreement establishes a Pledge of Revenue to assure that adequate funds are available to carry out the post-closure maintenance of the Nevada County McCourtney Road Landfill.

This agreement shall become effective immediately and is made and entered into by and between the County of Nevada, hereinafter referred to as "County," and the California Integrated Waste Management Board, hereinafter referred to as "CIWMB."

WHEREAS, California Public Resources Code, Sections 43500 through 43610, and Sections of Title 14 of the California Code of Regulations ("Regulations"), Division 7, Chapter 5, Article 3.5, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure and post-closure maintenance activities; and

WHEREAS, Sections 18283 and 18290 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for post-closure maintenance of a solid waste landfill; and

WHEREAS, the County operated the McCourtney Road Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in judgment pursuant to stipulation entered in California State Superior Court, County of Nevada, Case No. 40027, signed March 4, 1991 by Superior Court Judge Carl F. Bryan; and

WHEREAS, the County now operates the McCourtney Road Transfer Station, in conformance with the findings, conditions, prohibitions, and requirements contained in Solid Waste Facilities Permit No. 29-AA-0010 issued by the Nevada County Department of Environmental Health serving as Local Enforcement Agency for the CIWMB; and

WHEREAS, the County is pledging revenues from gate fees and/or parcel charges deposited into the Western Nevada County Solid Waste Fund 117 for post-closure maintenance of the landfill; and

WHEREAS, the County has determined that projected net revenue from gate fees and/or parcel charges during the thirty (30) year period of post-closure maintenance shall, during each year of this period, be greater than the yearly monitoring and post-closure maintenance cost contained in the most recent Cost Estimate for McCourtney Road Landfill, submitted to the CIWMB, in accordance with Section 18266 of the Regulations.

NOW, THEREFORE, IT IS HEREBY AGREED between the parties as follows:

1. The County hereby establishes a Pledge of Revenue to demonstrate financial responsibility for post-closure maintenance of the McCourtney Road Landfill in accordance with Sections 18283 and 18290 of the Regulations.
2. The County agrees to pledge net revenue from gate fees and/or parcel charges as described herein.

3. The amount of the pledged revenue (including any funds carried over from prior years) shall be equal to \$405,000.00 per year for the 30 year period of post-closure maintenance, representing the most recent monitoring and post-closure maintenance cost estimate for the McCourtney Road 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 and the CIWMB.
4. If the County ceases at any time to retain control of its ability to allocate the pledged revenue as identified herein to pay post-closure maintenance costs, the County shall notify the CIWMB and local enforcement agency and shall obtain alternate coverage within sixty (60) days after the control of funds lapses, pursuant to Section 18293 of the Regulations.
5. In the event the CIWMB determines that the County has failed, or is failing, to perform post-closure maintenance as required by law, the CIWMB may direct the County Auditor-Controller, with written courtesy notice to the Board of Supervisors, and the Auditor-Controller shall then make payment to vendors performing post-closure maintenance in accordance with directives of the CIWMB from the pledged funds such amounts as are necessary to ensure sufficient post-closure maintenance, and such funds shall be disbursed by the Director for post-closure.

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

By County this 4th day of March, 1997

By CIWMB this 27 day of March, 1997

State of California
Integrated Waste Management Board

County of Nevada

By *Dorothy Rice*
Authorized Officer of the CIWMB

By *Renée A. Storm*
Chairman of the Board

APPROVED AS TO FORM
AND PROCEDURE:

Attest:

By *Kathleen J. Tobias*
Authorized Counsel
of the CIWMB

By *Calvin R. Hanson*
Clerk of the Board

APPROVED AS TO FORM
AND PROCEDURE:
COUNTY COUNSEL

By *James V. Ragoletto*