

FINANCIAL ASSURANCE FOR
CORRECTIVE ACTION OF THE CHESTER 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, post closure 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 corrective action costs of a solid waste landfill.

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

1. The County of Plumas operates the Chester Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 32-AA-0009 issued by, Plumas County LEA serving as Local Enforcement Agency for the California Department of Resources Recycling and Recovery (CalRecycle).
2. The County of Plumas shall establish a Pledge of Revenue to demonstrate financial responsibility for corrective action of the Chester Landfill in accordance with sections 22228 and 22245 of the Regulations.
3. Disbursement of funds for corrective action shall be in accordance with the final plan, as approved by CalRecycle.
4. In the event that CalRecycle determines that the County of Plumas has failed, or is failing, to perform corrective action as required by law, CalRecycle may direct the Plumas County Auditor-Controller to pay to the Chief Engineer from the pledged revenues sufficient funds to ensure corrective action, who then shall be obligated to use such funds for corrective action in accordance with the directives of CalRecycle.
5. The Chief Engineer is directed to produce an Annual Certification Report for transmittal to CalRecycle (form CalRecycle 114) as required by Section 22233(b)(4)(B) of the Regulations to demonstrate that the pledge of revenue continues to be available when needed and will cover the cost estimate 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 for Chester Landfill are not required annually, unless amended.
6. In conjunction with this Resolution, attached is a copy of the "Pledge of revenue agreement Between Plumas County and the California Department of Resources Recycling and Recovery (CalRecycle) for Corrective Action Chester Landfill"

7. The number of current members of the Board of Supervisors of the County of Plumas who voted affirmatively when this resolution was adopted.

Ayes: SUPERVISORS SIMPSON, THRALL, ENGEL, GOSS

Noes: NONE

STATE OF CALIFORNIA)
) SS.
COUNTY OF PLUMAS)

I, Nancy DaForno, Clerk of Board of Supervisors of the County of Plumas, 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 SEPT 22, 2020, and duly entered in the minutes of said County.

Nancy DaForno
Clerk

dated on 2/22/22, 2023, and duly entered in
 Seal _____

PLEDGE OF REVENUE AGREEMENT BETWEEN PLUMAS COUNTY AND THE CALIFORNIA
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) FOR
POSTCLOSURE MAINTENANCE [AND/OR] CORRECTIVE ACTION
CHESTER LANDFILL

This agreement establishes a Pledge of Revenue to assure that adequate funds are available to carry out the Corrective Action of the Chester Landfill.

This Agreement shall become effective immediately, and is made and entered into by and between the County of Plumas 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, 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 corrective action costs of a solid waste landfill; and

WHEREAS, the County of Plumas operates the Chester Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 32-AA-0009 issued by, Plumas County LEA serving as Local Enforcement Agency for CalRecycle; and

WHEREAS, the County of Plumas is pledging an annual amount of \$10,585.00 of net revenues from received form Plumas County Solid Waste Franchise Contractors, Intermountain Disposal and Feather River Disposal; and

WHEREAS, the County of Plumas has determined that projected 3.34% of net revenues received through franchise fees during the state mandated corrective action period, shall, during each year of this period be greater than the yearly corrective action costs contained in the most recent cost estimate for Chester Landfill, which has been submitted to CalRecycle in accordance with section 21840 (and/or) sections 22100-22103 of the Regulations.

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

1. The County of Plumas hereby establishes a pledge of revenue to demonstrate financial responsibility for corrective action costs of the Chester Landfill in accordance with sections 22228 and 22245 of the Regulations.
2. The County of Plumas agrees to pledge net revenues from solid waste Franchise Contractor Fees as described herein.
3. The amount of the pledged revenue shall be equal to \$10,585.00 per year for the estimated length of the corrective action period, representing the most recent corrective action cost estimate for the Chester 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 Plumas and CalRecycle.
5. The Chief Engineer 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. If the County of Plumas ceases at any time to retain control of its ability to allocate the pledged revenue as identified herein to pay corrective action costs, the County of Plumas 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.
7. In the event that CalRecycle, RWQCB or LEA staff determine that the County of Plumas has failed, or is failing, to perform corrective actions as required by law, CalRecycle, RWQCB and/or LEA staff shall confer with the County of Plumas 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 Plumas, and any interested parties, prior to making a determination in the matter. In the event CalRecycle then determines that the County of Plumas has failed, or is failing, to perform corrective action as required by law, CalRecycle may direct the Auditor-Controller to pay the Chief Engineer from the pledged revenues sufficient funds to ensure corrective action, who then shall be obligated to use such funds for corrective action in accordance with the directives of CalRecycle and RWQCB.
8. It is understood that the parties may, by mutual written consent, amend this agreement at anytime. The parties stipulate that in all likelihood the pledge amount may need to increase with time, and the source of revenue may change over time according to the County's financial situation and preferences of the County's voting public.

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

By County of Plumas this _____ day of _____, 20____

By CalRecycle this _____ day of _____, 20____

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

By: _____
Authorized Officer of the CalRecycle

APPROVED AS TO FORM
AND PROCEDURE:

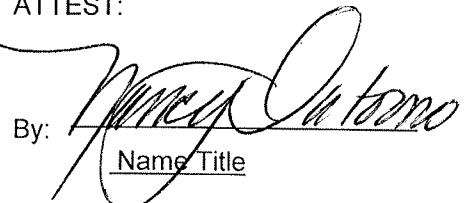
By: _____
Authorized Counsel of the CalRecycle

COUNTY OF PLUMAS


By: _____
Director of Public Works

Chair, Board of Supervisors

ATTEST:


By: _____
County Counsel

APPROVED AS TO FORM
AND PROCEDURE:

By: _____
County Counsel