

# RESOLUTION NO. 2004-635

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF AUG 05 2004

## FINANCIAL ASSURANCE FOR CORRECTIVE ACTION PLAN FOR THE CITY OF SACRAMENTO 28<sup>th</sup> STREET LANDFILL

**WHEREAS**, Public Resources Code sections 43500 through 43610.1 and sections of 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 and post closure activities; and

**WHEREAS**, the Central Valley Regional Water Quality Control Board has directed the City of Sacramento, Solid Waste Division to provide financial assurances to implement a corrective action plan for known groundwater contamination and/or reasonably foreseeable releases from the City of Sacramento 28<sup>th</sup> Street Landfill, and

**WHEREAS**, sections 22228 and 22245 of the Title 27 of the California Code of Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for corrective action cost of a solid waste landfill, and

**WHEREAS**, the Central Valley Regional Water Quality Control Board has reviewed the cost estimate to implement the corrective action plan developed for the City of Sacramento 28<sup>th</sup> Street Landfill; and

**WHEREAS**, the Central Valley Regional Water Quality Control Board in a letter dated November 6, 2003 estimated the cost for the corrective action, if necessary to be a total of \$551,100.

### BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The City of Sacramento operates the 28<sup>th</sup> Street Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in the Solid Waste Facilities Permit Number 34-AA-0018 issued by, Sacramento County LEA serving as Local Enforcement Agency for the California Integrated Waste Management Board (CIWMB); and

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2. The City of Sacramento shall establish a Pledge of Revenue to demonstrate financial responsibility for a corrective action of the City of Sacramento 28<sup>th</sup> Street Landfill in accordance with sections 22228 and 22245 of the Regulations.
3. Disbursement of funds for the corrective action plan shall be in accordance with the final plan, as approved by the CIWMB, as described in the Cost Estimates and Financial Assurance for Corrective Action for Known or Reasonably Foreseeable Releases to Groundwater Sacramento 28<sup>th</sup> Street Landfill, Sacramento, California, prepared by SCS Engineering and submitted to the City on October 14, 2003, and the Central Valley Regional Water Quality Control Board's total cost estimate as described in their letter dated November 6, 2003.
4. In the event the CIWMB determines that the City of Sacramento has failed, or is failing to perform the corrective action plan as required by law, the CIWMB may direct the Auditor-Controller to pay the Chief Engineer from the pledged revenues sufficient funds to ensure implementation of the corrective action plan, who then shall be obligated to use such funds for corrective action in accordance with the directives of the CIWMB.
5. The Chief Engineer is directed to produce an annual report for transmittal to the CIWMB, containing, as appropriate, a revised cost estimate for corrective action, prepared as specified by Section 22221 of the Regulations concerning the 28<sup>th</sup> Street Landfill.
6. The number of current members of the City Council of the City of Sacramento who voted affirmatively when this resolution was adopted.

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

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