



5.7b

GENERAL SERVICES
DEPARTMENT

SOLID WASTE
DIVISION

CITY OF SACRAMENTO
CALIFORNIA

2812 MEADOWVIEW ROAD
BUILDING 1
SACRAMENTO, CA 95832

(916) 808-4932
FAX (916) 808-4999

July 14, 2004

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: A PLEDGE OF REVENUE FOR CORRECTIVE ACTION IN THE EVENT OF
GROUNDWATER CONTAMINATION AT THE CITY OF SACRAMENTO 28TH
STREET LANDFILL**

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

This report recommends that the City Council approve a resolution and the Pledge of Revenue Agreement (Attachment A) to identify a pledge of revenue in the amount of \$551,100 to fund the Corrective Action Program in the event of ground water contamination at the City of Sacramento 28th Street Landfill, pursuant to Section 22221 of Title 27 of the California Code of Regulations, as described below.

SECTION 22221, Title 27, California Public Resources Code

(a) Except as otherwise Noted in section 22226, the operator of each disposal facility shall demonstrate financial responsibility to the CIWMB for initiating and completing corrective action for all known or reasonably foreseeable releases from the disposal facility as required under Article 1, Subchapter 3, Chapter 3 (section 20380 et seq.) in at least the amount of the current corrective action cost estimate reviewed and approved by the appropriate RWQCB.

Furthermore, staff recommends the City Council direct the Solid Waste Division to forward the attached resolution and agreement to the California Integrated Waste Management Board for review and approval (Attachment B).

**CONTACT PERSON: Marty Strauss, Integrated Waste Planning Superintendent,
433-4934**

City Council

A Pledge of Revenue for Corrective Action in the Event of Groundwater Contamination at the
City of Sacramento 28th Street Landfill
July 14, 2004

FOR COUNCIL MEETING OF: August 5, 2004

SUMMARY:

In June 1999, the Central Valley Regional Water Quality Control Board detected groundwater contamination at the City of Sacramento 28th Street Landfill. Pursuant to Section 22221 of Title 27 of the California Public Resources Code, described above, a corrective action plan and pledge of revenue to implement the plan is required in the event of a release to the groundwater. At that time, the Central Valley Regional Water Quality Control Board directed the Solid Waste Division to develop a corrective action plan and demonstrate the financial assurances to implement the plan, if necessary. The corrective action plan and cost estimate to implement the plan have been completed and reviewed by the Central Valley Regional Water Quality Control Board. The attached resolution is in response to the requirement to demonstrate the financial assurances and pledge of revenue to be dedicated for remedial actions, if needed.

COMMITTEE/COMMISSION ACTION: None required.

BACKGROUND INFORMATION:

Section 22221 of Title 27 of the California Code of Regulations requires the City to demonstrate its financial ability to implement a Corrective Action Plan that includes gas and groundwater monitoring, and a response in the event of groundwater contamination.

In June 1999, the Central Valley Regional Water Quality Control Board completed an inspection of the City of Sacramento 28th Street Landfill and prepared a Storm Water Inspection Report dated June 11, 1999. This report cited the need for a Corrective Action Plan (CAP) to be prepared for the City of Sacramento 28th Street Landfill due to finding groundwater contamination. In response, the Solid Waste Division contracted with Phase Three Environmental Management to prepare the Corrective Action Plan. The Corrective Action Plan was completed and accepted by the Solid Waste Division in March 2000.

SCS Engineers was retained by the City in response to a letter from the Central Valley Regional Water Quality Control Board ordering the City to prepare a cost estimate for financial assurances to address known or reasonably foreseeable releases to the groundwater at the City of Sacramento 28th Street Landfill. This report was prepared pursuant to Section 22221 of Title 27 of the California Code of Regulations and accepted by the City's Solid Waste Division in October 2003. SCS Engineers estimated a total cost of \$535,900 to implement the corrective action plan.

In a letter dated November 6, 2003, (Attachment D) the Central Valley Regional Water Quality Control Board submitted their review of the cost estimate prepared by SCS Engineering and found the cost to be \$551,100, \$15,200 more than SCS Engineer's estimate. The Solid Waste Capitol Improvement Budget, YB36, includes a budget for groundwater remediation. There is currently \$563,336 available in this budget. This budget is sufficient to meet the requirements of the proposed pledge of revenue.

City Council

A Pledge of Revenue for Corrective Action in the Event of Groundwater Contamination at the
City of Sacramento 28th Street Landfill
July 14, 2004

The Solid Waste Division has met with the Financial Assurances Division of the California Integrated Waste Management Board to discuss using the groundwater remediation account as the pledge of revenue to meet the requirements of Section 22221 of Title 27 of the Public Resources Code. They agreed that this would be satisfactory.

FINANCIAL CONSIDERATIONS:

No new sources of revenue will be necessary to meet the requirements of Section 22221 of Section 27 of the Public Resources Code. CIP funds in YB36 are already identified in the Capitol Improvement Program. These funds are sufficient to meet the cost estimate for the corrective action plan. As of the date of this report CIP YB-36 has an un-obligated fund balance of \$563,323.00. This is sufficient to fund the Pledge of Revenue.

ENVIRONMENTAL CONSIDERATIONS:

This action is a preventative measure in the event of groundwater contamination escaping offsite. There is no evidence of this occurring at this time. The findings in the Phase Three Environmental Management report dated March 2000 states that this is unlikely to occur, but possible. Therefore, the City is required to establish the pledge of revenue to implement the Corrective Action Plan.

POLICY CONSIDERATIONS:

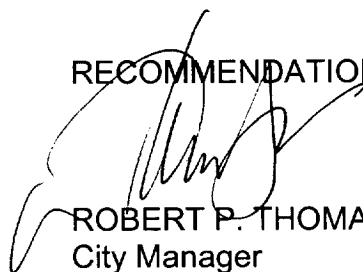
Approval of the attached resolution is in compliance with Title 27 of the Public Resources Code for the State of California. The corrective action plan is consistent with the ongoing monitoring and post closure maintenance work program now being performed by the City Solid Waste Division at the City of Sacramento 28th Street Landfill.

The action requested herein is consistent with the City of Sacramento's Strategic Plan goal of enhancing and preserving the neighborhoods.

ESBD CONSIDERATIONS:

The recommendations contained in this report will not result in any new direct agreements between the City and a private business. As a result, ESBD considerations do not apply.

RECOMMENDATION APPROVED:



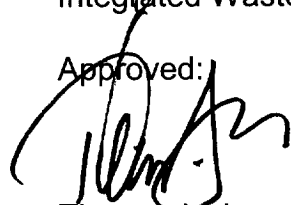
ROBERT P. THOMAS
City Manager

Respectfully submitted,



G. Harold Duffey
Integrated Waste General Manager

Approved:



Thomas V. Lee
Deputy City Manager/
Interim General Services Director

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ATTACHMENT A

PLEDGE OF REVENUE AGREEMENT FOR CORRECTIVE ACTION PLAN CITY OF SACRAMENTO 28th STREET LANDFILL

This agreement establishes a Pledge of Revenue to assure that adequate funds are available to carry out the Corrective Action Plan as described in the "Cost Estimate and Financial Assurance for Corrective Action for Known or Reasonably Foreseeable Releases to Groundwater, Sacramento 28th Street Landfill" report prepared by SCS Engineers for the Solid Waste Division of the City of Sacramento.

This Agreement shall become effective immediately and is made and entered into by and between the City of Sacramento and the California Integrated Waste Management Board (CIWMB).

WHEREAS, Public Resources Code, sections 43500 through 43610.1 and sections Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 6, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct 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 City of Sacramento, Solid Waste Division is the owner and operator of the City of Sacramento 28th Street Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in the Solid Waste Facilities Permit No. 34-AA-0018 issued by the City of Sacramento LEA, serving as the Local Enforcement Agency for the CIWMB; and

WHEREAS, the City of Sacramento City Council approved Resolution # _____ on _____, authorizing the Solid Waste Division to pledge the groundwater remediation funds in the Capitol Improvement Program, YB-36, Ground Water Remediation Fund as financial assurance for the implementation of the corrective action plan; and

WHEREAS, the groundwater remediation funds are sufficient to meet the financial assurance requirements for the implementation of the corrective action plan.

NOW THEREFORE, the City of Sacramento and the CIWMB agree as follows:

1. The City of Sacramento hereby establishes a pledge of revenue in the amount of \$551,100 to demonstrate financial responsibility for the corrective action program in the event of a release at the Sacramento 28th Street Landfill in accordance with sections 22228 and 22245 of the Regulations.

ATTACHMENT A

2. The City of Sacramento agrees to pledge net revenues from the Capitol Improvement Program, Ground Water Remediation, YB-36 as described herein.
3. The amount of the pledged revenue shall be equal to a one-time pledge of \$551,100, the estimated cost of the pledge of revenue in a letter dated November 6, 2003 from the Central Valley Regional Water Quality Control Board to the City of Sacramento, Solid Waste Division.
4. The amount of the pledged revenue shall be equal to a one time amount of \$551,100, representing the most recent corrective action cost estimate for the Sacramento 28th Street Landfill. It is agreed that the amount of the pledge may increase or decrease to match any adjustment to the identified cost estimate, which is mutually agreed to by the City of Sacramento and the CIWMB.
5. If at any time the City of Sacramento ceases to retain control of its ability to allocate the pledged revenue as identified herein to pay the estimated cost of the corrective action, the City of Sacramento shall notify the CIWMB and the local enforcement agency and shall obtain alternative coverage within sixty (60) days after the control of the funds lapses, pursuant to section 22245 of the Regulations.
6. In the event that the CIWMB determines that the City of Sacramento has failed, or is failing, to perform the corrective action as required by law, the CIWMB may direct the Auditor-Controller to pay to the Chief Engineer from the pledged revenues sufficient to ensure implementation of the corrective action, who shall then use such funds for corrective action in accordance with the directives of the CIWMB.

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

By the City of Sacramento this _____ day of _____ 2004.

By the CIWMB this _____ day of _____, 2004

STATE OF CALIFORNIA
California Integrated Waste
Management Board

By _____
Authorized Officer of CIWMB

City of Sacramento

By _____
Thomas Lee, Director of Public Works

ATTEST

By: _____
Name and Title

ATTACHMENT A

APPROVED AS TO FORM AND PROCEDURE:

By: _____
Authorized Counsel of CIWMB

APPROVED AS TO FORM AND PROCEDURE
Authorized Counsel of the City of Sacramento Counsel

By: _____



GENERAL SERVICES
DEPARTMENT

SOLID WASTE
DIVISION

CITY OF SACRAMENTO
CALIFORNIA

2812 MEADOWVIEW ROAD
BUILDING 1
SACRAMENTO, CA 95832

(916) 808-4932
FAX (916) 808-4999

DATE

California Integrated Waste Management Board
Financial Assurances Division
Attn. J. Bajurin
1001 I Street
Sacramento, CA 95812-4025

RE: Pledge of Revenue for the City of Sacramento 28th Street Landfill

Dear Ms. Bajurin:

**Certification for the Establishment of a Financial Mechanism for the
Corrective Action Plan for the City of Sacramento 28th Street Landfill**

The Solid Waste Division of the City of Sacramento is submitting the subject certification for the City of Sacramento 28th Street Landfill, Solid Waste Facilities Permit No. 3A-AA-0018. The Solid Waste Division of the City of Sacramento is the operator of the City of Sacramento 28th Street Landfill and retains responsibility for closure and for post closure maintenance. On January 15, 2004 the Solid Waste Division met with the Financial Assurances Division to discuss and submit the to the CIWMB the most recent estimates for closure and post closure maintenance of the landfill.

Enclosed is a copy of the approved resolution by the City Council and the Pledge of Revenue Agreement to implement the financial mechanism to implement the corrective action plan in the event of a release to groundwater from the City of Sacramento 28th Street Landfill. Submittal of the enclosed financial mechanism for the corrective action plan of the City of Sacramento 28th Street Landfill completes all required documentation for this landfill related to the corrective action plan.

On _____, the City Council of Sacramento, California, the governing administrative authority for the Solid Waste Division, established the City of Sacramento 28th Street Landfill the Corrective Action Fund, a pledge of revenue to be used exclusively for the corrective action for the City of Sacramento 28th Street Landfill. Pursuant to Section 22221 of Title 27 of the California Public Resources Code, the Pledge of Revenue shall be equal to the cost estimate of \$551,100, as approved by the Central Valley Regional Water Quality Control Board in a letter dated November 6, 2003, and shall remain available until closure and post

closure maintenance is completed at the City of Sacramento 28th Street Landfill. Official documentation of the establishment of the Pledge of Revenue is enclosed.

Please direct any questions you may have to Martin Strauss, Integrated Waste Management Superintendent.

Sincerely,

G. Harold Duffey
Solid Waste Division, Manager

Cc: Martin Strauss, Integrated Waste Management Superintendent

ATTACHMENT C
COST ESTIMATE PREPARED BY SCS ENGINEERING

- For Scenario 3(a localized release due to rising groundwater level), further evaluation (identifying boundary of release), followed by design and installation of a “source control” groundwater extraction and ex situ treatment system after groundwater is pumped to the surface. Although other active groundwater treatment alternatives exist for impacts of the assumed magnitude, including air sparging (in situ air stripping) with soil vapor extraction, permeable reactive barriers, and in situ biotreatment, the other alternatives would be more costly and less reliable.

COST ESTIMATE AND FUNDING

Additional Monitoring to Fingerprint Source of Foreseeable Release (LFG or Leachate)

The estimated cost for additional groundwater monitoring to fingerprint the source of a reasonably foreseeable release is \$3,800 per event. This conservatively assumes all 19 groundwater wells would be tested for the parameters described above on a semi-annual basis (in addition to parameters already required per the WDRs) for a period of up to 2 years, which would provide sufficient data for source evaluation. The annual cost would be \$7,600, or a total of \$15,200 for two years. Funds for this additional monitoring are currently available in the City's CIP YA 06 budget for post-closure monitoring and maintenance; this CIP is funded \$36,000 annually. No additional budget supplement or funding mechanism is necessary.

LFG System Upgrades (Scenario 1b)

The estimated order-of-magnitude capital cost for LFG system upgrades to mitigate against future gas-borne release to groundwater is \$209,300. Details are provided in Table 1, cost worksheet. This cost estimate is based on the following:

- Replacement of six existing LFG extraction wells in WMU-A, and installation of 12 new wells in WMU-B, to average depth 50 ft below grade. The unit cost for well installation is \$100 per lineal foot, including cover restoration. The specific number(s) of replacement or new extraction wells would be determined during final design; the above estimate is considered conservative for cost estimating purposes.
- 1,500 lineal feet of collection header piping, to be installed above grade. The unit cost is \$7 per lineal foot.
- Condensate would gravity-drain into existing or new traps. Up to 2 new traps would be required.
- The existing City and GRS blower/flare and condensate conveyance systems are adequately sized to accommodate additional gas flows and condensate volumes.

Estimated incremental annual operation and maintenance (O&M) costs for the new LFG wells are expected to be approximately \$3,500. This cost includes labor for field monitoring and adjustments of new wells, and routine maintenance of the new wells and header systems. No additional incremental costs to the blower/flare systems are anticipated. Assuming a 15-year system lifetime, this equates to \$52,500 over the post-closure period.



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Localized, Hydraulic Source Control (Scenario 3)

The estimated order-of-magnitude capital cost for additional assessment and source control of a localized release due to rising groundwater levels is \$154,100. Details are provided in Table 2, cost worksheet. Underlying assumptions and operating parameters are as follows:

Initial assessment activities would entail installation and sampling of two new groundwater monitoring wells. It is assumed that this assessment would determine significant impact due to the release was localized and limited to VOCs. In particular, it is conservatively assumed the area underlain by impacted groundwater would cover approximately 13 acres and contain a maximum of 16,000,000 gallons of impacted groundwater. Concentrations of total VOCs are conservatively estimated to range up to 1 mg/l (unlikely worst-case) for the plume size. Again, this estimate is conservative, as the concentration of total VOCs detected at well C-12 is 10 ug/l. These underlying assumptions used to conservatively estimate the nature of the release are based on SCS's knowledge of contaminant hydrogeology and experience at other similar facilities. Aquifer parameters are as described above in the Hydrogeologic Conditions section of this report. The investigative phase would be followed by corrective action, consisting of design and installation of a "source control" groundwater extraction and (ex situ) treatment system, consisting of the following:

- Installation of three groundwater extraction wells, in-well pneumatic pumps, controllers and air and discharge lines. The number of wells was determined based on the estimated plume size and assumed radius of influence for extraction based on the aquifer lithology.
- Discharge of extracted water to the City's sanitary sewer system. It is assumed this will be allowable, since landfill leachate and LFG condensate are currently permitted for discharge to the sewer system. The City does not foresee any change in this permit condition, and hence it is reasonable to assume discharge of extracted groundwater, with significantly lower VOC/contaminant concentrations, to the sewer system.
- Installation of conveyance piping and ancillary equipment, including transfer pumps, high/low level shutoff switches, other control and electrical panel.
- Total groundwater extraction rate (3 wells) approximately 6 gallons per minute. The pump rate was estimated based on assumed aquifer parameters and a goal of removal of one plume volume in five years.

Estimated annual O&M costs for the hydraulic source control system are expected to be approximately \$8,000 per year. This cost includes \$4,000 annual labor expense for twice-monthly system inspection and repairs by City personnel. The O&M costs also include provisions for routine groundwater monitoring and sampling at the additional assessment and extraction wells, in accordance with the existing landfill WDRs. Quarterly monitoring of the treatment system effluent is also envisioned, at a cost of \$2,500 per year for labor and lab analyses. The O&M cost above also includes \$3,500 per year for electric power and replacement parts. Assuming a 15-year lifetime, the total O&M costs are estimated to be \$120,000 over the post-closure period.



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Summary

Table 3 provides a summary of capital and O&M costs to address the reasonably foreseeable releases to groundwater at the Sacramento 28th Street Landfill. These estimates are based on typical landfill industry construction and O&M costs for LFG and groundwater extraction system components and are year 2003 dollars. The capital cost estimates include engineering, permitting and a 15 percent contingency.

In summary, anticipated expenditures for a reasonably foreseeable release would total \$535,900. This includes capital costs for LFG wellfield and hydraulic source control improvements, plus incremental annual operating expenses for a 15-year period.

Under the City's capital improvement budget CIP YB 36, funds have previously been set aside for groundwater remediation. This budget has an unobligated balance of \$563,336, and is funded in the amount of \$50,000 per year. Based on the above cost estimates, funds for remedial action for a reasonably foreseeable release to groundwater are available in the existing budget. No additional budget supplement or funding mechanism is necessary.



ATTACHMENT D

**NOVEMBER 6, 2003 LETTER FROM
CENTRAL VALLEY REGIONAL WATER
QUALITY CONTROL BOARD**



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Sacramento Main Office

<http://www.swrcb.ca.gov/rwqcb5>
1, Sacramento, California 95827-3003
3000 • FAX (916) 255-3015

6 November 2003

Colleen Laubir
City of Sacram
Department of
Solid Waste Division
2812 Meadowview Road
Sacramento, CA 95832

*Waiting for call
from Stephanie
Young*

RECEIVED

NOV - 7 2003

CITY OF SACRAMENTO
SOLID WASTE DIVISION

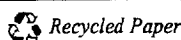
FINANCIAL ASSURANCE REQUIREMENTS FOR KNOWN OR REASONABLY FORESEEABLE RELEASES, CITY OF SACRAMENTO 28TH STREET LANDFILL, SACRAMENTO COUNTY

We have reviewed the 14 October 2003 revised *Cost Estimate and Financial Assurance for Corrective Action for Known or Reasonably Foreseeable Releases to Groundwater* prepared by SCS Engineers (SCS) for the City of Sacramento's (City) 28th Street Landfill in Sacramento County. As required by Title 27 of the California Code of Regulations (CCR), §22222, the operator must maintain an irrevocable financial assurance mechanism to ensure that funds are available to address a known or reasonably foreseeable release from the landfill.

Based on their review, SCS states that previous corrective actions implemented by the City have had a positive effect on groundwater quality. These include landfill closure, post-closure maintenance, and continued operation of the landfill gas (LFG) recovery and control system. With these in mind, SCS considered the following three scenarios that may result in increased impacts to groundwater and whether the scenario is reasonably foreseeable:

- Scenario 1 – LFG release of volatile organic compounds (VOCs) to groundwater via long-term failure or partial failure of the LFG control system. SCS determined that this is not reasonable since the City must maintain the system to comply with other regulatory requirements. However, it is reasonable to assume that there may be impacts due to residual LFG contact with groundwater (residual LFG not collected by the existing control system).
- Scenario 2 – Leachate release through the base liner system. SCS determined this is not reasonable because the probability of a significant release through the clay-lined landfill and leachate collection and removal system (LCRS), with increasing leachate-related impacts on groundwater, is low due to evidence that leachate volumes have decreased and groundwater impacts appear to be abating.

California Environmental Protection Agency



- Scenario 3 – Groundwater intrusion into the waste mass. This is considered reasonably foreseeable but is not considered likely to result in a significant negative impact to groundwater resources.

To mitigate the effects of the reasonably foreseeable releases (Scenarios 1 and 3), should future monitoring show a reversal in the current trends, significant increases in contaminant concentration, or strong evidence of a gas-borne release to groundwater, the City will consider the following corrective actions:

- For Scenario 1, SCS proposes to enhance the existing LFG control system to specifically address VOC migration into underlying groundwater. This will include replacement of existing wells, installation of new wells, modifications to the header and lateral system, and installation of new condensate traps.
- For Scenario 3, SCS proposes to first monitor the groundwater by adding more constituents in the routine monitoring program to help fingerprint and monitor the source of a reasonably foreseeable release (leachate or LFG) for a period of up to 2 years. Constituents include: dissolved oxygen (field parameter), oxidation reduction potential (field parameter), alkalinity, total organic carbon, and sulfide. Following the evaluation monitoring period, if warranted, a groundwater extraction and ex situ treatment system as source control will be designed and installed.

The estimated cost for additional groundwater monitoring during the evaluation monitoring period is \$3,800 per event. The annual cost would be \$7,600. Assuming a 2-year evaluation period, the total for additional monitoring is \$15,200.

The estimated cost for localized, hydraulic source control is \$154,100. The cost includes the installation of three groundwater extraction wells, associated piping and equipment, and discharge to the City's sanitary sewer system. Estimated operation and maintenance (O&M) costs for the system are \$8,000 per year. Assuming a 15-year lifetime, the total O&M costs are estimated to be \$120,000.

The estimated order-of-magnitude capital cost for LFG system upgrades to mitigate against future gas-borne release to groundwater is \$209,300. The estimated incremental annual O&M costs for the new wells are expected to be approximately \$3,500. Assuming a 15-year system lifetime, this equates to \$52,500 over the post-closure period.

In summary, anticipated expenditure for a reasonably foreseeable release would total \$551,100 (\$261,800 for the gas system, \$15,200 for evaluation monitoring, and \$274,100 for localized, hydraulic source control).

The City currently has capital improvement project (CIP) funds that have previously been set aside for groundwater remediation (CIP YB 36) and post-closure monitoring and maintenance

Colleen Laubinger
City of Sacramento 28th Street Landfill
Sacramento County, CA

- 3 -

6 November 2003

(CIP YA 06). The CIP YB 36 fund has an unobligated balance of \$563,336, and is funded in the amount of \$50,000 per year. This fund would be used for LFG system enhancements. The CIP YA 06 is funded \$36,000 annually and would be used for increased monitoring. Please note that these funding mechanisms must be approved by the California Integrated Waste Management Board for financial assurances.

Based on our review, the total estimate of \$551,100 is approved. If you have any questions, please contact Stephanie Young at (916) 255-3124.



THOMAS R. PINKOS
Executive Officer

cc: Diana Vaughn-Thomas, California Integrated Waste Management Board, Sacramento
Gino Yekta, California Integrated Waste Management Board, Sacramento
Patrice Webb, County of Sacramento Environmental Management Department,
Sacramento
John Olesen, City of Sacramento, Sacramento
Joseph Miller, SCS Engineers, Pleasanton

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

FINANCIAL ASSURANCE FOR CORRECTIVE ACTION PLAN FOR THE CITY OF SACRAMENTO 28th 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 28th 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 28th 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 28th 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

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

2. The City of Sacramento shall establish a Pledge of Revenue to demonstrate financial responsibility for a corrective action of the City of Sacramento 28th 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 28th 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 28th 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

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

PLEDGE OF REVENUE AGREEMENT FOR
CORRECTIVE ACTION PLAN
CITY OF SACRAMENTO 28th STREET LANDFILL

This agreement establishes a Pledge of Revenue to assure that adequate funds are available to carry out the Corrective Action Plan as described in the "Cost Estimate and Financial Assurance for Corrective Action for Known or Reasonably Foreseeable Releases to Groundwater, Sacramento 28th Street Landfill" report prepared by SCS Engineers for the Solid Waste Division of the City of Sacramento.

This Agreement shall become effective immediately and is made and entered into by and between the City of Sacramento and the California Integrated Waste Management Board (CIWMB).

WHEREAS, Public Resources Code, sections 43500 through 43610.1 and sections Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 6, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct 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 City of Sacramento, Solid Waste Division is the owner and operator of the City of Sacramento 28th Street Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in the Solid Waste Facilities Permit No. 34-AA-0018 issued by the City of Sacramento LEA, serving as the Local Enforcement Agency for the CIWMB; and

WHEREAS, the City of Sacramento City Council approved Resolution # _____ on _____, authorizing the Solid Waste Division to pledge the groundwater remediation funds in the Capitol Improvement Program, YB-36, Ground Water Remediation Fund as financial assurance for the implementation of the corrective action plan; and

WHEREAS, the groundwater remediation funds are sufficient to meet the financial assurance requirements for the implementation of the corrective action plan.

NOW THEREFORE, the City of Sacramento and the CIWMB agree as follows:

1. The City of Sacramento hereby establishes a pledge of revenue in the amount of \$551,100 to demonstrate financial responsibility for the corrective action program in the event of a release at the Sacramento 28th Street Landfill in accordance with sections 22228 and 22245 of the Regulations.

2. The City of Sacramento agrees to pledge net revenues from the Capitol Improvement Program, Ground Water Remediation, YB-36 as described herein.
3. The amount of the pledged revenue shall be equal to a one-time pledge of \$551,100, the estimated cost of the pledge of revenue in a letter dated November 6, 2003 from the Central Valley Regional Water Quality Control Board to the City of Sacramento, Solid Waste Division.
4. The amount of the pledged revenue shall be equal to a one time amount of \$551,100, representing the most recent corrective action cost estimate for the Sacramento 28th Street Landfill. It is agreed that the amount of the pledge may increase or decrease to match any adjustment to the identified cost estimate, which is mutually agreed to by the City of Sacramento and the CIWMB.
5. If at any time the City of Sacramento ceases to retain control of its ability to allocate the pledged revenue as identified herein to pay the estimated cost of the corrective action, the City of Sacramento shall notify the CIWMB and the local enforcement agency and shall obtain alternative coverage within sixty (60) days after the control of the funds lapses, pursuant to section 22245 of the Regulations.
6. In the event that the CIWMB determines that the City of Sacramento has failed, or is failing, to perform the corrective action as required by law, the CIWMB may direct the Auditor-Controller to pay to the Chief Engineer from the pledged revenues sufficient to ensure implementation of the corrective action, who shall then use such funds for corrective action in accordance with the directives of the CIWMB.

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

By the City of Sacramento this _____ day of _____ 2004.

By the CIWMB this _____ day of _____, 2004

STATE OF CALIFORNIA
California Integrated Waste
Management Board

City of Sacramento

By _____
Thomas Lee, Deputy City Manager

By _____
Authorized Officer of CIWMB

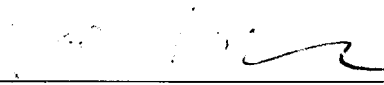
ATTEST

By: _____
City Clerk

APPROVED AS TO FORM AND PROCEDURE:

By: _____
Authorized Counsel of CIWMB

APPROVED AS TO FORM:

By:  _____
City Attorney