

RESOLUTION NO. 2024-95

RESOLUTION OF PLEDGE OF REVENUE TO CITY OF RIALTO AND THE STATE DEPARTMENT OF CONSERVATION FOR MINING RECLAMATION WORK AT MID VALLEY SANITARY LANDFILL

On Tuesday, June 11, 2024, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the San Bernardino County (County) Mid-Valley Sanitary Landfill (MVSL) is located in the City of Rialto, northwest of the intersection of Alder Avenue and State Route 210. The site occupies approximately 448 acres of which 408 are permitted for refuse disposal.

WHEREAS, the excavation that is part of construction of the expanded MVSL is considered mining under the State Surface Mining and Reclamation Act, Public Resources Code (PRC) Sections 2770 *et seq.* and requires that the operator of a mine have a financial assurance mechanism in place prior to commencing operations. The intent is to guarantee that environmental and health and safety concerns are addressed in the event of operator default. The standard types of financial mechanisms for governmental operators are listed in California Code of Regulations, Title 14, Section 3803, as surety bonds, irrevocable letters of credit, trust funds, pledges of revenue, or a budget set-aside. The financial assurance is payable to the Lead Agency, in this instance the City of Rialto, jointly with the administering regulatory agency, the State Department of Conservation.

WHEREAS, the amount pledged for MVSL is based on the cost estimate for reclamation which can be revised annually as development progresses. The landfill expansion will ultimately reclaim the mined areas as refuse disposal areas. The 2024-25 estimate for reclamation of the mined areas, if landfill cells were not constructed, is \$4,167,860.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of San Bernardino County, State of California:

1. That the County hereby gives its Pledge of Revenue from future refuse disposal fees as financial assurance to the City of Rialto and the State Department of Conservation, jointly, in the initial estimated amount of \$4,167,860 (with said estimate being subject to annual revision to reflect changed conditions); and
2. That said revenue will continue to be pledged until the project, mitigation measures, and final reclamation plan have been completed; and
3. That pursuant to Public Resources Code, Section 2773.1, the City of Rialto or State Department of Conservation are authorized to use the proceeds of the Pledge of Revenue to complete reclamation if the City of Rialto or State Department of Conservation determine that the County is either incapable of performing, or unwilling to perform, the reclamation covered by the Pledge of Revenue.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of June 11, 2024. Item #71 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

By



Deputy

