

**BALDWIN COUNTY COMMISSION
AGENDA ACTION FORM**

Meeting Type:	Baldwin County Commission – Regular
Meeting Date:	11/01/2016
Placement of Item on the Agenda:	CONSENT AGENDA: - ENVIRONMENTAL MANAGEMENT
Item Status:	New
Submitted By:	Terri L. Graham
From:	Terri Graham, Development and Environmental Director Kim Creech, Clerk Treasurer
ITEM TITLE	
Magnolia Landfill Financial Assurance	
STAFF RECOMMENDATION	
Recognize the Closure & Post Closure Liability Accrual for Magnolia Landfill for fiscal year 2016. Total accrual will be \$207,730.98. No cash transfer is needed this fiscal year, cash account is funded as required to date.	
BACKGROUND INFORMATION	
Previous Commission Action/Background Information:	No
<p>In efforts to properly document and record in the Baldwin County Commission's meeting records, the Clerk/Treasurer and Developmental and Environmental Director will annually come to the Baldwin County Commission to recognize the financial assurance accrual calculation and request any monies needed to fund the reserve account be transferred. The annual accrual and cash transfer are done in accordance with the <u>Code of Alabama</u> 1975, Section 22-27-8, Financial Assurance.</p> <p>(a) All persons having or requesting a permit for the operation of a municipal solid waste landfill shall establish and maintain financial assurance for proper closure, post-closure care, or corrective action in the form and amount the department specifies by regulation. This requirement is applicable to all municipal solid waste landfills required by federal law or regulations to demonstrate such assurance.</p> <p>(b) All municipal solid waste landfills permitted or to be permitted by the department shall submit financial assurance forms and supporting documents to the department, and such forms and documents shall establish that there is funding to the appropriate levels required by department regulation. The financial assurance mechanism shall be maintained for the life of</p>	

the municipal solid waste landfill, and for a period of not less than 30 years after closure, unless the owner or operator demonstrates to the director that a period less than 30 years is sufficient to protect human health and the environment and the director approves this demonstration, or the solid waste is removed and the department determines that no waste or contamination remains at the site. The department may extend post-closure care or corrective action periods for longer than 30 years when necessary to protect human health and the environment.

(c) The financial assurance and requirements established by the department pursuant to this section shall in all respects comply with Environmental Protection Agency rules and regulations regarding closure, post-closure care, or corrective action for a municipal solid waste landfill. In no event shall the department require financial assurance or other requirements pursuant to this section which are more stringent than the Environmental Protection Agency requirements in effect at the time.

(d) The department may adopt rules necessary to implement this section.

FINANCIAL IMPACT	
Does the recommendation have a financial impact?	Yes
Total cost of recommendation?	\$207,730.98
Are there funds budgeted for this recommendation?	Yes
Budget line item(s) to be used:	510.26802.01
Balance remaining in the line item after recommended expenditure:	\$3,345,045.01
Does the recommendation create a need for continued funding which is not included in the current budget?	No
LEGAL IMPACT	
Are there any legal documents required to be executed if this recommendation is approved?	No
ADVERTISING REQUIREMENTS	
Is advertising required for this recommendation?	No
CONSISTENCY WITH B.C. STRATEGIC PLAN - 2006-2016	
Is the recommendation applicable to the goals set forth in the Strategic Plan?	Yes
POLICY IMPACT	
Is the recommendation consistent with Commission Policy?	Yes
Which Commission policy is applicable to this	N/A

recommendation?	
PERSONNEL IMPACT	
Does the recommendation have personnel impact?	No
IMPLEMENTATION	
Is implementation for this item time sensitive?	Yes
Required Action and Time Line for Implementation:	Finance and Accounting - Post Accrual and send Audited Financials once complete to ADEM.
ATTACHMENTS	
Financial Assurance Accrual 9-30-2016.pdf	
APPROVALS	
Budget	Christie Davis 10/25/2016 2:54:57 PM
Personnel	
Administration	Keri Green 10/26/2016 9:43:53 AM
Chairman and County Administrator	Chris Elliott 10/26/2016 6:48:23 PM