



Baldwin County Commission

Legislation Text

File #: 22-0223, Version: 1

Meeting Type: BCC Regular Meeting

Meeting Date: 11/16/2021

Item Status: New

From: Terri Graham, Development and Environmental Director

Submitted by: Suzanne Doughty, Accounting Manager

ITEM TITLE

Magnolia Landfill Financial Assurance

STAFF RECOMMENDATION

Recognize the Closure & Post Closure Liability Accrual for Magnolia Landfill for Fiscal Year 2021. Total accrual will be \$315,543.49. No cash transfer is needed this fiscal year. Cash account is funded as required to date.

BACKGROUND INFORMATION

Previous Commission action/date: No

Background: In an effort to properly document and record in the Baldwin County Commission's meeting records, the Clerk/Treasurer and Development 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 Code of Alabama 1975, Section 22-27-8, Financial Assurance.

- (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.
- (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 the municipal solid waste landfill, and for a period of not less than thirty (30) years after closure, unless the owner or operator demonstrates to the director that a period less than thirty (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 thirty (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

Total cost of recommendation: \$315,543.49

Budget line item(s) to be used: 510.26821

If this is not a budgeted expenditure, does the recommendation create a need for funding?
N/A

LEGAL IMPACT

Is legal review necessary for this staff recommendation and related documents?
N/A

Reviewed/approved by: N/A

Additional comments: N/A

ADVERTISING REQUIREMENTS

Is advertising required for this recommendation? N/A

If the proof of publication affidavit is not attached, list the reason: N/A

FOLLOW UP IMPLEMENTATION

For time-sensitive follow up, select deadline date for follow up: Year End Close FY21

Individual(s) responsible for follow up: Finance and Accounting

Action required (list contact persons/addresses if documents are to be mailed or emailed):

Accounting to post Accrual Journal Entry. Solid Waste/Accounting - Upon completion of FY21 Audit, send copy of FY21 Financial Statement to ADEM for Financial Assurance documentation.

Additional instructions/notes: N/A