

## **RESOLUTION 9276**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA PROVIDING FOR FINANCIAL ASSURANCE FOR POSTCLOSURE MAINTENANCE AND CORRECTIVE ACTION OF THE IRON MOUNTAIN 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, postclosure maintenance, and corrective action activities;

WHEREAS, Sections 22228 and 22241 of the Regulations specify acceptable mechanisms to demonstrate financial responsibility for financing the closure and/or postclosure maintenance and/or corrective action of a solid waste landfill;

WHEREAS, under Resolution 8275, adopted on June 12, 1990, the Board of Directors of The Metropolitan Water District of Southern California (the “District”) established a separate fund known as the Iron Mountain Landfill Closure/Postclosure Maintenance Fund to comply with the law and regulations in effect and applicable at that time;

WHEREAS, to address changes in law and to comply with the current law and regulations, the Board of Directors of the District hereby supersedes and replaces Resolution 8275 and amends and restates the Iron Mountain Landfill Closure/Postclosure Maintenance Fund to allow for funding of potential corrective action activities;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of The Metropolitan Water District of Southern California that:

1. The General Manager of the District is authorized and directed to establish and maintain a separate fund to be known as the Iron Mountain Landfill Postclosure Maintenance and Corrective Action Fund (“Iron Mountain Landfill Fund”), to be used only to pay for postclosure maintenance and/or corrective action of the Iron Mountain landfill (the “Landfill”).
2. The General Manager is further directed to deposit into or withdraw from the Iron Mountain Landfill Fund amounts sufficient to meet the requirements of Sections 22225 and 22241 of the Regulations on a timely basis.
3. The amounts referred to in Section 2 above shall be deposited with and retained by the Treasurer of the District and shall be used to pay only for postclosure maintenance and/or corrective action of the Landfill.
4. To the extent permitted by law, the Iron Mountain Landfill Fund shall be and remain inviolate against all other claims, including claims of the District or its Board of Directors, or the creditors thereof, it being the intent of this Resolution

that the mechanism established hereby will provide protection equivalent to that of a trust fund by ensuring:

(a) that the assured amounts of funds will be available in a timely manner for postclosure maintenance and/or corrective action of the Landfill; and

(b) that payments from the Iron Mountain Landfill Fund shall be made by the Treasurer, as directed by the California Department of Resources Recycling and Recovery (“CalRecycle”), or its successor, in writing, for the payment of the costs of postclosure maintenance and/or corrective action of the Landfill covered by this resolution.

5. Disbursement of funds for postclosure maintenance and/or corrective action shall be in accordance with Section 22234 of the Regulations and as prescribed in Section 4(b) above.
6. The Iron Mountain Landfill Fund shall be invested by the Treasurer in the manner provided by law, and in accordance with the Treasurer' s Statement of Investment Policy.
7. The District, with the written concurrence of CalRecycle, which concurrence shall not be unreasonably withheld or delayed, may withdraw excess amounts, if any, from the Iron Mountain Landfill Fund, provided that the requirements of the Regulations, including Sections 22234 and 22241 thereof, shall remain satisfied after such withdrawal.
8. In the event CalRecycle determines that the District has failed, or is failing, to perform postclosure maintenance and/or corrective action as required by law, CalRecycle may direct the Treasurer to pay from the Iron Mountain Landfill Fund sufficient amounts to ensure postclosure maintenance and/or corrective action, in accordance with the directives of CalRecycle.
9. The General Manager is directed to produce an annual report for transmittal to CalRecycle, containing the following information concerning the Landfill:
  - (a) As appropriate, a revised postclosure maintenance cost estimate, prepared as specified by Section 21840 of the Regulations.
  - (b) As appropriate, a revised corrective action cost estimate, prepared as specified by Section 22100, et seq. of the Regulations
  - (c) Status, including current balance of the Iron Mountain Landfill Fund.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California at its meeting held on April 13, 2021.

A handwritten signature in black ink, appearing to read "Judy Adams". The signature is written in a cursive style with a large initial "J".

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Secretary of the Board of Directors  
The Metropolitan Water District  
of Southern California