

RESOLUTION NO. 2021/02-18-01

A RESOLUTION OF THE MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY (MCRWMA) ESTABLISHING A FLOW CONTROL POLICY

WHEREAS, The Merced County Regional Waste Management Authority (MCRWMA) Joint Powers Agreement (JPA) contains provisions requiring that the participating jurisdictions have the authority, commitment, and agreement to direct all solid waste, recycling, and plant (otherwise known as organic green waste) materials generated within the service area to one of the MCRWMA landfill sites; and

WHEREAS, the jurisdictions' disposal of all solid waste, recycling, and plant materials generated within the service area at one of the MCRWMA landfill sites was an assumption on which the MCRWMA Revenue Bonds were issued; and

WHEREAS, due to the many applicable requirements and regulations on the disposal of recyclable and plant materials, as well as changes in market conditions, the disposal of recyclable and plant materials no longer generates income for MCRWMA; and

WHEREAS, the diversion of such materials would therefore not impact MCRWMA's ability to meet its bond payment obligations; and

WHEREAS, all seven (7) jurisdictions - Atwater, Dos Palos, Livingston, Los Banos, Gustine, Merced, and Merced County - are bringing solid waste to MCRWMA facilities; and

WHEREAS, the flow control requirement for recyclables and plant materials is currently not being enforced and not all jurisdictions are participating in recycling and green waste collection programs; and

WHEREAS, the expenses for the transport and processing of recyclable materials have surpassed the net revenues, resulting in a significant expense to those jurisdictions participating in recyclable and green waste collection programs, such that the participating jurisdictions desire to seek their own services and divert recycling and plant (otherwise known as organic green waste) materials generated within the service area from the MCRWMA landfill sites in order to reduce expenses; and

WHEREAS, the MCRWMA JPA provides, in Article 7.1(p), that MCRWMA is authorized but not required to require all jurisdictions to direct all solid waste, recycling, and plant materials generated and collected within the jurisdictions' boundaries to one of MCRWMA's facilities;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF MCRWMA HEREBY RESOLVES AS FOLLOWS:

Section 1. All Solid Waste materials generated within the service area, including, but not limited to, construction and demolition debris, and waste generated and collected from residences, businesses, institutions and other locations within Merced County, shall be directed, without

exception, to one of the Regional Waste Management Authority landfill sites, Billy Wright landfill or Highway 59 landfill, at rates established by the MCRWMA Board.

Section 2. All recycling and plant (otherwise known as organic green waste) materials generated within the service area, including, but not limited to, food wastes generated and collected from residences, businesses, institutions and other locations within Merced County shall be directed to the Merced County Regional Waste Management Authority landfill sites at rates established by the MCRWMA Board, except as otherwise provided pursuant to Section 3, below.

Section 3. Exceptions. To the extent that recycling and plant (otherwise known as organic green waste) materials generated within the service area either (1) do not generate a net revenue and are a pass-through expense for the Merced County Regional Waste Management Authority or (2) the Merced County Regional Waste Management Authority is not permitted to accept such materials generated within the service area, the jurisdictions shall be permitted to seek their own haulers and processors for such excepted materials generated in the service area and divert the excepted materials away from the Merced County Regional Waste Management Authority landfill sites.

Section 4. Any jurisdiction seeking to divert recycling and plant materials as set forth above must obtain approval of the Merced County Regional Waste Management Authority prior to the diversion of such material.

Section 5. The exceptions outlined above may be modified or revoked by the Merced County Regional Waste Management Authority.

PASSED AND ADOPTED this 18th day of February 2021 by the following vote:

AYES: Directors Cale, Espinoza, Faria, Hogue, McDaniel, Nagy, Pareira, Pedrozo, Serratto, Silveira

NOES: None

ABSENT: Director Aguilar

ABSTAIN: None

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Stacie Guzman
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Stacie Guzman, Executive Director

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April Hogue, MCRWMA Chair

APPROVED AS TO FORM:

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Emily Haden, MCRWMA Counsel