

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF AUTHORIZING)
EXECUTION AND SUBMITTAL OF ALL)
DOCUMENTS REQUIRED TO PERMIT AND) RESOLUTION
OPERATE THE FRESNO COUNTY REGIONAL,)
PERMANENT HOUSEHOLD HAZARDOUS)
WASTE MANAGEMENT FACILITY)

WHEREAS, California Health and Safety Code (HSC), Division 20, Chapter 6.5, Article 10.8, Section 25218.12 establishes the authority and basic operating requirements for public agency collection and management of household hazardous waste (HHW); and

WHEREAS, the regulatory standards for the management of HHW by a public agency are further defined in Title 22, California Code of Regulations (CCR), Chapter 23 and Chapter 45 and Health and Safety Code Chapter 6.5, Section 2518; and

WHEREAS, Permanent HHW Collection Facilities (PHHWCFs) operated by a public agency are authorized under Permit By Rule (PBR) by the local Certified Unified Program Agency (CUPA), according to the regulatory standards adopted by the Department of Toxic Substances Control (DTSC); and

WHEREAS, PBR Notification Requirements for PHHWCFs established by regulation in Title 22, CCR, Section 66270.60, and Operating Standards for PHHWCFs under PBR established in Title 22, CCR, Section 67450.25, required the execution and submission of a variety of documents, including but not limited to a PBR Notification Form, an Operator Certification Form, A Certification of Financial Responsibility for Closure, and a document establishing financial assurance for closure by one of the methods listed in Title 22, CCR, Section 67450.30(c); and

WHEREAS, some of these HHW Facility related documents, including but not limited to the PBR Notification, Operator Certification Form, Certification of Financial Responsibility for Closure and a document establishing financial assurance for closure by one of the methods listed in Title 22, CCR, Section 67450.30(c) specifically cite CCR Title 22, Section 66270.11, which requires these documents be executed by either the applicable Public Agency's ranking elected official referred to as (Chairman of the Board of Supervisors, hereinafter "the Chairman") or

principal executive officer (County Administrative Officer, hereinafter “the CAO”); and

WHEREAS, some of the HHW Facility related documents, including but not limited to a State Permanent Identification Number, a variety of HHW Facility Information Forms, manifests, periodic reports, renewals and updates do not specifically cite CCR, Title 22, section 66270.11, and these documents may be executed by the Director of the Fresno County Public Works and Planning Department, hereinafter referred to as “Director”; and

NOW, THEREFORE BE IT RESOLVED THAT the Fresno County Board of Supervisors (Board) approves and authorizes the execution and submittal of all PBR and HHW Facility related documentation required in order to establish, permit and operate a PHHWCF and related programs, hereinafter to be referred to as “Environmental Compliance Center” (ECC) or “HHW Facility”, including but not limited to PHHWCF PBR Notification Form, a Certification of Financial Assurance; and

BE IT FURTHER RESOLVED THAT the Board approves and authorizes execution and submittal of a Certificate of Self-Insurance: Financial Assurance for Cost of Closure that conforms to the requirements of 22 CCR 67450.30(c)(8) as the mechanism to provide the required closure cost financial assurance for the HHW Facility; and

BE IT FURTHER RESOLVED THAT the Director is responsible for maintaining in the Fresno County Annual Budget an account funding the Certificate of Self-Insurance: Financial Assurance for Cost of Closure at an amount at least twenty percent greater than the Estimated Closure Costs as stated in the annual update of the Certification of Financial Assurance executed and submitted to the CUPA each Fiscal Year (estimated as of FY 2022-23 to be two hundred ninety-six thousand, four hundred and ninety-one dollars [\$296,491]), until such time as;

1. The Board approves and executes an Alternative Closure Financial Assurance Mechanism acceptable to the appropriate regulatory agency or agencies having applicable review and oversight responsibilities; or
2. The CUPA (or appropriate state agency) acknowledges in writing that the HHW Facility has been legally closed; and the Director determines that all component elements of the HHW Facility have been removed from the current location; or

3. The CUPA (or appropriate state agency) acknowledges in writing that the HHW Facility has been legally closed; and the Director determines that any component elements of the HHW Facility that have not been removed from the current location have been either reused, recycled, or repurposed as appropriate, and in accordance with the terms and provisions of any applicable lease agreement that may be in place at the time of Closure; and

BE IT FURTHER RESOLVED that the Board authorizes the Chairman and/or the CAO to execute and submit, in the name of the County of Fresno, all PBR and HHW Facility related documents that do specifically cite CCR Title 22, Section 66270.11; and

BE IT FURTHER RESOLVED that the Board authorizes the CAO or Director to execute and submit, in the name of the County of Fresno, all PBR and HHW Facility-related documents that DO NOT specifically cite CCR Title 22, Section 66270.11, except for Uniform Hazardous Waste Manifests which may be the Director's designee; and

BE IT FURTHER RESOLVED that these authorizations are effective from the date of adoption of this Resolution, unless superseded by a successor Resolution or until the legal closure of the HHW Facility.

THE FOREGOING, was passed and adopted by the Board of Supervisors of the County
of Fresno this day of , 2025, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Ernest "Buddy" Mendes, Chairman of the Board of
Supervisors of the County of Fresno

ATTEST:

Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

BY _____
Deputy