

RESOLUTION R-02- 40

A RESOLUTION ESTABLISHING A LANDFILL CLOSURE TRUST FUND

WHEREAS, the City of Conway owns and operates a Sanitary Landfill, permit No. 252-S; and

WHEREAS, surety for proper closure of the landfill was provided by a "Contract of Obligation" whereby future state turnback funds were committed to the closure of the landfill if the city defaulted on closure and post closure responsibilities as defined in the permit plans; and

WHEREAS, it has now been determined by the Arkansas Department of Environmental Quality that a "Contract of Obligation" is not deemed an adequate mechanism for the closure and post-closure financial assurance requirements and the city must therefor establish an alternate financial assurance mechanism;


NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

Section 1. The Mayor is hereby authorized to establish a "Landfill Closure Trust Fund" for the purpose of assuring that funds will be available to close out the Conway Landfill and maintain the landfill through the 30 year post-closure period.

Section 2. The trust fund shall be funded at an annual amount that will provide the total estimated post-closure amount by January 2013. Contributions to the Trust Fund shall commence in January 2003 with an estimated contribution of \$235,000 to achieve the 2001 estimated closure fund balance of \$2,350,000 by January 2013. The closure and post closure amount is to be determined and reported in the Landfill Annual Report in March of each year. The trust fund balance and required total fund amount will be included in this report. The annual contribution shall be adjusted as required to achieve the required total Trust Fund balance by January 2013 as reported in the Landfill Annual Report.

PASSED this 9th day of July 2002.

APPROVED:



Tab Townsell, Mayor

ATTEST:


Michael O. Garrett, City Clerk