

RESOLUTION NUMBER R- 303115

DATE OF FINAL PASSAGE NOV 05 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO ESTABLISH COST RECOVERY FEES FOR PROCESSING APPLICATIONS FOR EXEMPTIONS FROM THE RECYCLING REQUIREMENTS AND FOR APPLICATIONS TO BECOME A CERTIFIED RECYCLABLE MATERIALS COLLECTOR

WHEREAS, the City operates the Miramar Landfill [Landfill], which currently is the only municipal landfill in the City; and

WHEREAS, the Landfill is expected to close between 2011 and 2013; so preserving Landfill capacity in order to extend the useful life of the Landfill for the benefit of the citizens of the City is of paramount concern; and

WHEREAS, the California Integrated Waste Management Act of 1989, Assembly Bill 939 [AB 939], requires that each local jurisdiction in the State divert 50% of waste from landfill disposal; and

WHEREAS, the City could face fines up to \$10,000 per day for not maintaining at least a 50% diversion rate mandated by State law and showing good faith efforts to comply with the City's Integrated Waste Management Plan; and

WHEREAS, increasing recycling is necessary both to preserve and extend the useful life of the Landfill and to further efforts to reduce waste and comply with State mandates; and

WHEREAS, diverting waste generated from residential and commercial facilities and special events will assist the City in its efforts to maintain and exceed the State-mandated waste diversion rate; and

WHEREAS, voluntary residential and commercial recycling programs have not produced the waste diversion necessary to ensure continued compliance with state mandates; and

WHEREAS, except in unusual circumstances, it is feasible for residential and commercial facilities to accommodate recycling containers and signage and to implement recycling programs; and

WHEREAS, large volumes of recyclable materials also are generated at special events; and

WHEREAS, companion ordinance O-2008-30 [City Recycling Ordinance] establishes recycling requirements for residential facilities, commercial facilities, mixed use facilities, and special events within the City, which include requirements for applications for exemptions from the recycling requirements and applications to become a Certified Recyclable Materials Collector; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor is authorized to establish cost recovery fees for processing applications for exemptions from recycling requirements and applications to become a Certified Recyclable Materials Collector in connection with the City Recycling Ordinance, and directing that these fees be filed in the Ratebook of City Fees and Charges in the Office of the City Clerk.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that this activity is statutorily exempt from the California Environmental Quality Act [CEQA] pursuant to CEQA guideline 15273(a)(1) because it constitutes the establishment of new fees for the purposes of meeting operating expenses associated with implementing and enforcing the requirements of the City Recycling Ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
GRACE C. LOWENBERG  
Deputy City Attorney

GCL:sb  
10/16/07  
Or.Dept:ESD  
R-2008-321  
Companion O-2008-30

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~OCT 30 2007~~.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-5-07  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor