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(R-2009-848)

RESOLUTION NUMBER R- 304749

DATE OF FINAL PASSAGE APR 01 2009

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING A GRANT APPLICATION SEEKING FUNDS FROM THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM AND RELATED ACTIONS FOR SITE CLEANUP AT BROWN FIELD.

WHEREAS, in March 2007, a former tenant of the City of San Diego that was located at the Brown Field Airport, Organic Recycling West, Inc. [ORW], filed Chapter 7 bankruptcy, and abandoned its tenancy, leaving approximately 72,000 cubic yards of green, wood and gypsum material that were combustible and caused a public safety issue at the airport; and

WHEREAS, since June 15, 2008, the Airports Division has removed and disposed of approximately 60,000 cubic yards of the materials left by ORW; and

WHEREAS, because additional funds are needed to pay for the removal of the remaining 12,000 cubic yards of gypsum left by ORW, the Airports Division is seeking authorization to apply for grant funds from the State of California for the cleanup of the ORW site [the Project]; and

WHEREAS, the people of the State of California have enacted Assembly Bill 2136 that authorizes the California Integrated Waste Management Board [the Board] to initiate and administer a program for cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment; and

WHEREAS, said procedures established by the Board require all grant fund applicants to certify by resolution the approval of the submittal of the application before submission to the State of California; and

WHEREAS, grant fund applicants will enter into an agreement [Grant Agreement] with the State of California for each site cleanup; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego hereby:

1. Authorizes the Mayor or his designee to file a grant application with the California Integrated Waste Management Board and its AB2136 Solid Waste and Code Disposal Site Cleanup Program, for a grant not to exceed \$750,000, for the cleanup of solid waste at the former Organic Recycling West, Inc., site at Brown Field Airport [Project], the total cost of which shall not exceed \$840,000; and

2. Certifies that the City of San Diego has or will have matching funds for the Project, plus funds to pay for all ineligible work and eligible work in excess of the grant awarded; and authorizes the expenditure of said funds solely and exclusively for the Project; all contingent on execution by the Mayor or his designee of a Grant Agreement; and

3. Certifies that the City of San Diego has or will have sufficient funds to operate and maintain the Project; and authorizes the City Comptroller to accept, appropriate, and expend grant funds received for the cleanup of the Project, and to establish a separate fund to track expenditures and receive grant-related reimbursement for eligible expenditures; all contingent on execution by the Mayor or his designee of a Grant Agreement and receipt of grant funds; and

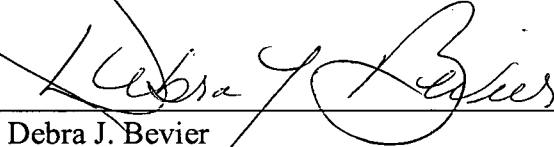
4. Appoints the Mayor, or his designee, as agent of the City of San Diego, to conduct all negotiations, execute and submit all documents including, but not limited to

applications, grant agreements, amendments, and payment requests, which may be necessary for the completion of the Project; and

5. That the above activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15330 in that the Project is a minor cleanup action taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of a release of a hazardous waste or substance, which is a small or medium removal action costing \$1 million or less.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Debra J. Bevier
Deputy City Attorney

DJB:mm
03/11/09
Or. Dept: Airport Authority
R-2009-848
MMS#7745

I hereby certify that the foregoing Resolution was passed by the Council of the City of Diego, at its meeting of MAR 24 2009.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 4-1-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor