

RESOLUTION NUMBER R- 312072

DATE OF FINAL PASSAGE DEC 03 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO ADOPTING MITIGATED NEGATIVE
DECLARATION NO. 515674 AND THE MITIGATION
MONITORING AND REPORTING PROGRAM FOR EDCO
RECYCLING – PROJECT NO. 515674.

WHEREAS, on August 17, 2017, EDCO Disposal Corporation submitted an application to the Development Services Department for a Public Right-of-Way Vacation, Tentative Map Waiver, Site Development Permit, and Coastal Development Permit for the EDCO Recovery project, Project No. 515674 (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on December 3, 2018; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individual affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Planning Commission considered the issues discussed in the Mitigated Negative Declaration No. 515674 (Declaration) prepared for this Project; NOW, THEREFORE,

BE IT RESOLVED, by the City Council that:

1. The Council certifies that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of

Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Project.

2. The Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

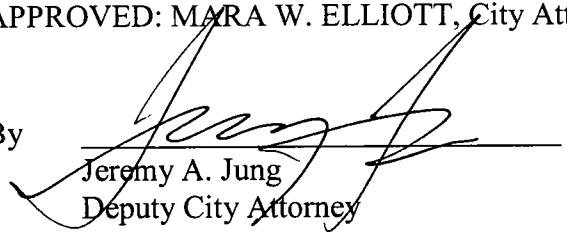
3. Pursuant to CEQA Section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Council in order to mitigate or avoid significant effects on the environment, which is attached hereto.

4. The Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

5. The City Clerk's Office is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Jeremy A. Jung
Deputy City Attorney

JAJ:nja
11/08/18
Or. Dept: DSD

Doc. No.: 1874319

ATTACHMENT: Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

TENTATIVE MAP WAIVER NO. 2203529
SITE DEVELOPMENT PERMIT NO. 2103482
COASTAL DEVELOPMENT PERMIT NO. 2103481

PROJECT NO. 515674

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 515674 shall be made conditions of Tentative Map Waiver No. 2203529, Site Development Permit No. 2103482, and Coastal Development Permit No. 2103481 as may be further described below.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) and Local Enforcement Agency (LEA) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY:** The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects:

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRECONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division, City staff from MITIGATION MONITORING COORDINATION (MMC), and LEA. Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: Paleontological Monitor.

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division 858-627-3200.**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360.**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 515674 and/or Environmental Document Number 515674, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC), the City Engineer (RE), and LEA. The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE, MMC, and LEA for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency:
4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for

clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery: When deemed necessary by the DSD Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE, MMC, and LEA for approval per the following schedule:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
General	No Document Submittal Required	Monthly facility inspections per California Code of Regulations Title 14 requirements
Air Quality	Construction Exhibits	Prior to or at Preconstruction Meeting
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Air Quality

AIR-1: Odor Minimization through Site Design

Requirements on Applicant

Prior to building permit issuance of the anaerobic digester facility, the Applicant (EDCO Disposal Corporation) shall demonstrate to the satisfaction of City’s LEA and Department of Development Service (DSD) environmental designee that the following measures are shown on the project building plans:

- The anaerobic digester facility including the anaerobic digesters and the area where feedstock will be received shall be enclosed and include a gas monitoring meter.
- A separate exhaust air system shall be installed to maintain an inward air flow from all entrances to the anaerobic digester facility and outflow through a biofilter exhaust system to ensure that odor from the anaerobic digester facility is not detectible at adjacent property lines.
- The biofilter exhaust system shall be equipped with ammonia and hydrogen sulfide removal components.
- Exhaust flares shall be designed such that natural gas generated by the anaerobic digester facility may be supplemented with utility-provided natural gas to maintain uninterrupted combustion of exhaust gases during all phases of operation of the anaerobic digester facility.
- Compressed natural gas intended for use as vehicle fuel shall be processed to remove odorous compounds such as hydrogen sulfide.

AIR-2: Odor Minimization through Management Practices

Requirements on Applicant

Prior to operations of the anaerobic digester facility, the Applicant shall submit an Odor Impact Management Plan (OIMP) or Best Odor Management Practice Feasibility Report for the review and approval of the LEA consistent with California Code of Regulations (CCR) Title 14 Sections 17896.30 or 17896.31. The Applicant shall notify LEA of any changes to management practices outlined in the odor minimization plan prior to implementation of changes as feasible. The odor minimization plan shall outline implementation of the following management practices including, but not limited to the following:

- The Applicant shall designate and train staff members responsible for response to odor complaints. Upon receipt of a complaint, a designated staff member shall:
 - Document the odor complaint.
 - Go to the location at which the odor complaint originated or the nearest property line to the location at which the complaint originated.
 - Investigate anaerobic digester equipment for possible sources of odors.
 - Where an odor source is identified, promptly implement reasonable control measures to reduce or eliminate the source of the odor.
 - Where an odor source is identified and control measures do not eliminate the source of the odor, the staff member shall notify and consult with San Diego Air Pollution Control District staff within 24 hours.
- The exhaust air system shall be active at all times when doors to the anaerobic digester facility are open and as needed to control odor.

- Implement best management practices to prevent and/or promptly remove standing water from the site.
- Where loads are overly contaminated and/or odoriferous and may release odors upon tipping, loads shall be rerouted to landfills.

Passed by the Council of The City of San Diego on DEC 03 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 03 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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