

RESOLUTION NO. 74086

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR LOCAL ASSISTANCE FUNDS OF UP TO \$750,000 FROM THE STATE OF CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM - MATCHING GRANTS TO PUBLIC ENTITIES TO ABATE SOLID WASTE DISPOSAL SITES, TO BE USED FOR THE MARTIN PARK LANDFILL INTERCEPTOR TRENCH AND VAPOR BARRIER PROJECT, TO ACCEPT THE GRANT IF AWARDED, AND TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, Martin Park Landfill ("Site"), located on Forestdale Avenue in Council District 3 in the City of San Jose ("City"), is a closed five acre landfill purchased by the City in 1974; and

WHEREAS, in early 2006, sustained elevated concentrations of landfill gas ("LFG") were detected at monitoring probes located at the perimeter of the Site; and

WHEREAS, as required in Title 27 of the California Code of Regulations ("CCR 27"), the City notified the Local Enforcement Agency ("LEA") and submitted an investigative work plan to investigate the condition at the Site; and

WHEREAS, after testing at the Site was conducted it was determined that the most appropriate solution to mitigate the migrating LFG was to construct an interceptor trench and vapor barrier around the perimeter of the site ("Project"), and LEA has approved City's proposal to construct the Project; and

WHEREAS, state legislation authorizes the California Integrated Waste Management Board ("CIWMB") 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, the City desires to submit a grant application to the CIWMB Solid Waste Disposal and Codisposal Site Cleanup Program ("Grant Program") to provide a reimbursement grant up to \$750,000 to assist the City with the cost of construction of the Project; and

WHEREAS, said procedures established by the CIWMB require the applicant to certify by resolution the approval of the submittal of the application before submission to the State of California; and

WHEREAS, if the grant is awarded, the City will be required to provide matching funds, plus funds to pay for all ineligible work and eligible work in excess of the grant awarded; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Manager is authorized to submit an application for local assistance funds of up to \$750,000 from the State of California Integrated Waste Management Board under the Solid Waste Disposal and Codisposal Site Cleanup Program Matching Grants to Public Entities to Abate Solid Waste Disposal Sites to be used for the Martin Park Landfill project.
2. The City Manager is further authorized to accept the grant on behalf of the City and to execute any necessary documents to effectuate the grant.

ADOPTED this 6th day of November, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk