



**SF Environment**  
Our home. Our city. Our planet.  
A Department of the City and County of San Francisco

Edwin M. Lee  
Mayor

Deborah O. Raphael  
Director

July 22, 2015

TO: Commission on the Environment

CC: San Francisco Board of Supervisors

FM: Deborah O. Raphael *Deborah O. Raphael*

RE: Approving Revised Landfill Disposal Agreement between the City and County of San Francisco with Recology San Francisco

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### Action

As Director of the Department of the Environment, I signed the attached revised Landfill Disposal Agreement between the City of San Francisco and Recology. Further, I hereby adopt the San Francisco Planning Department's Negative Declaration (neg dec), Planning Department File No. 2014.0653E, entitled "The Agreement for Disposal of San Francisco Municipal Solid Waste at Recology Hay Road Landfill in Solano County," as upheld by the Planning Commission in its Motion No. 19376, and revised by the Environmental Review Officer on July 20, 2015, for the proposed agreement between the City and County of San Francisco and Recology to change the disposal site for San Francisco's solid waste. As provided in Chapter 31, my signature to the agreement will be considered the first "approval action" under Chapter 31, and will permit an appeal of the negative declaration to the Board of Supervisors. You may already know that Joshua Levine, on behalf of Solano County Orderly Growth Committee, has already appealed the negative declaration to the Board of Supervisors.

### Landfill Disposal Agreement

The City's current landfill disposal agreement at the Waste Management Altamont Landfill is set to expire when the cumulative disposal under the agreement reaches 15 million tons. The Department of the Environment projects that date to be January 2016, under our current rate of disposal. The Department has negotiated a landfill disposal agreement with Recology for disposal at their Hay Road landfill in Solano County, which is the back-up landfill previously approved by the Board of Supervisors following a multi-year extensive public competitive selection process.

The agreement designates Recology's Hay Road landfill in Solano County as the exclusive site, once the current agreement expires, for disposal of all solid waste collected in the City and delivered to Recology's transfer station, as well as residue for disposal from Recology's Pier 96 Recycle Central

facility, until 5 million tons have been disposed. The agreement provides for a base landfill operations fee of \$22.73 per ton that is increased annually by the San Francisco Region Consumer Price Index, plus Solano County, state and other required fees. To facilitate the transportation of solid waste to the Hay Road landfill, the agreement requires that Recology continue to operate the transfer station and be the sole entity for receipt of solid waste covered by and during the term of the disposal agreement, except as to small amounts for testing alternative technologies.

### Revised Landfill Disposal Agreement

The attached landfill disposal agreement includes a few changes from the version that was originally submitted to the Board of Supervisors for approval on June 1, 2015. The revised agreement is structured to provide rate predictability over the length of the contract and strengthen environmental standards.

The substantial changes in the revised agreement are two-fold:

1. Change of term of the agreement from 5 million tons to 9 years at 3.4 million tons. The 3.4 million tons is based on current rates of disposal for 9 years. The revised agreement includes language to extend the agreement for an additional 6 years and 1.6 million tons, subject to the approval of the Board of Supervisors. The essential new language (Sec 2.2, p. 7) is: "a period of nine (9) years from the Effective Date of this Agreement, as defined in Section 2.3, or until 3.4 million tons of Solid Waste have been deposited under this Agreement, whichever comes first. The City shall have one (1) option to renew the Agreement for a period of six (6) years, or until an additional 1.6 million tons of Solid Waste have been deposited under this Agreement, whichever comes first" and later in this section it states "the total amount of Solid Waste disposed of under the Agreement, including both the initial term and the extension, may not exceed 5 million tons."

2. A new limit for the contractor of 50 truck round trips per day based on 6 days per week averaged over the year. This limit is to ensure that the number of trips do not exceed that which was used in the Neg Dec analysis. The new language (Sec 4.2, p. 11) is "Starting on the Commencement Date of this Agreement, Contractor shall manage its operations at the Transfer Station such that the annual average number of round-trip truck trips transporting Solid Waste between the Transfer Station and the Landfill does not exceed fifty round-trip truck trips per day, based on a six-day work week." This limitation does not restrict the City's authority to dispose of Solid Waste under the Agreement. Rather, it requires Recology to structure its operations to comply with the trip limit.

In addition, there are a few minor insubstantial clean up or clarification language changes that include: correcting alphabetical order in the definitions (Sec 1.2), clarifying beneficial use is not part of solid waste (Sec 1.24), prior landfill shall have terminated on its own terms (Sec 2.3), and cutting out unnecessary language for modification of the agreement (Sec 43) based on new agreement approval by the Director.

Finally, the revised agreement includes an updated Load Checking Program at Hay Road landfill that replaces a similar but older version in Appendix C.

## Environmental Review

The City conducted environmental review of the Agreement and all implementation actions to transport and dispose of the City's waste at the Recology Hay Road Landfill Facility in Solano County (collectively, the "Project") under the California Environmental Quality Act (CEQA) and the City's Administrative Code Chapter 31, which implements CEQA procedures locally.

The Environmental Review Officer (ERO) determined that a negative declaration (neg dec) should be prepared to analyze the environmental impacts of the Project, prepared the neg dec, and provided public notice of that determination and the availability of a preliminary neg dec for public review on March 4, 2014. Public comments were submitted, and the Solano County Orderly Growth Committee appealed the neg dec to the Planning Commission.

On May 21, 2015, the Planning Commission conducted a public hearing to hear the appeal of the neg dec. Following the hearing, the Planning Commission affirmed the neg dec by its Motion No. 19376. The Planning Commission found the neg dec was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and that the responses to comments contained no significant revisions to the Preliminary neg dec, and approved the final neg dec for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The neg dec proposed no mitigation measures. The Planning Department, Jonas Ionin, is the custodian of records, located in File No. 2014.0653E, at 1650 Mission Street, Fourth Floor, San Francisco, California. The neg dec may be found online at [http://sfmea.sfplanning.org/2014.0653E\\_PND.pdf](http://sfmea.sfplanning.org/2014.0653E_PND.pdf). The neg dec identified no potential significant environmental impacts of the Project and thus proposed no mitigation measures for adoption now.

In connection with my adoption of the neg dec, I have reviewed and considered the neg dec and the record as a whole, I find that the neg dec is adequate for my use as a decision maker for the Project, and that there is no substantial evidence that the Project will have a significant effect on the environment.

Solano County also separately prepared a negative declaration for changes to the Recology Hay Road Landfill Facility in 2012. When Solano County approved the changes to the Landfill Facility through approval of a Conditional Use Permit, it adopted mitigation measures to address identified environmental impacts and adopted a Mitigation Monitoring and Reporting Program (MMRP) that included those mitigation measures as conditions of approval.

The Solano County negative declaration and MMRP are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, 94103, as well as the Solano County Resource Management Department. Recology's compliance with all Solano County requirements, conditions of approval and the MMRP is included as a condition of the Agreement.

## Environmental Review on the Revised Agreement

The department provided the revised agreement to the Planning Department seeking their determination whether any additional environmental review was needed based on the revised agreement. On July 15, 2015, the Planning Department determined no additional review was necessary. On July 20,

2015, the Planning Department further revised the neg dec to reflect the revised agreement and concluded "Therefore, revisions to the terms of the proposed Agreement are entirely consistent with the environmental review already completed, and no substantive changes to the following environmental analysis are required. The only potential physical changes to the environment would be a decrease in the period of the Agreement or the total amount of MSW disposed."

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