

1 [Landfill Disposal Agreement - Recology San Francisco - Term Extension]

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3 **Resolution approving under Charter, Section 9.118, the extension of the Landfill**  
4 **Disposal Agreement with Recology San Francisco as authorized under the current**  
5 **Landfill Disposal Agreement for a period of six years, or an additional 1,600,000 tons of**  
6 **waste have been disposed under the Agreement, whichever comes first.**

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8 WHEREAS, On February 4, 2014, the San Francisco Board of Supervisors adopted  
9 Ordinance No. 8-14 by a unanimous vote, pursuant to which the Board of Supervisors:

10 (1) Found that the Environment Department had conducted a competitive  
11 selection process (“Competitive Selection Process”) in compliance with any requirements of  
12 Chapter 21 of the San Francisco Administrative Code to select a landfill disposal contractor  
13 that resulted in the City’s selection of Recology San Francisco (“Recology”).

14 (2) Ratified and confirmed all actions taken by City officials in carrying out the  
15 Competitive Selection Process and selecting Recology as the City’s preferred landfill disposal  
16 contractor in that process.

17 (3) Endorsed the process under which the Environment Department, the  
18 Planning Department and other City agencies and staff undertook environmental review of the  
19 proposed project, including the disposal and transportation of refuse consistent with the  
20 Recology’s landfill disposal proposal.

21 (4) Clarified that, consistent with prior practice in the approval of previous  
22 landfill disposal agreements in 1987, contracts for the disposal and transportation of refuse  
23 resulting from the Competitive Selection Process were not contracts for “services” within the  
24 meaning of that term set forth in Section 21.02 of the Administrative Code or its statutory  
25 predecessors; and

1           WHEREAS, On July 22, 2015, the City, acting through and by the Environment  
2 Department, and Recology San Francisco (“Recology”) executed a Landfill Disposal  
3 Agreement; and

4           WHEREAS, On May 1, 2016, the Landfill Disposal Agreement was amended through  
5 the First Amendment (“First Amendment”) to modify the landfill operations component of the  
6 initial disposal fees authorized under the agreement; and

7           WHEREAS, The Landfill Disposal Agreement as modified by the First Amendment  
8 (“Current Landfill Agreement”) in Section 2.2 grants the City the right to deposit at the Hay  
9 Road Landfill all solid waste collected in the City for the disposal term of a period of nine years  
10 from the effective date of the Current Landfill Agreement (July 22, 2015), or until 3.4 million  
11 tons of solid waste have been deposited under the Current Landfill Agreement; and

12           WHEREAS, On January 15, 2016, Recology began to dispose solid waste at the Hay  
13 Road Landfill under the Current Landfill Agreement, and as of January 1, 2024, the City  
14 estimates that it has used approximately 3.1 million tons of that capacity; and

15           WHEREAS, The Current Landfill Agreement will reach the term limit of nine years on  
16 July 21, 2024, on which date the City estimates it will not yet have reached the 3.4 million ton  
17 capacity limit, which at the current rate would be reached on approximately October 14, 2024,  
18 and the Current Landfill Agreement is therefore expected to expire on July 21, 2024; and

19           WHEREAS, The Current Landfill Agreement in Section 2.2 states the City shall have  
20 one option to extend the Current Landfill Agreement for a period of six years, or until an  
21 additional 1.6 million tons of solid waste have been disposed under the Agreement, whichever  
22 comes first. Furthermore, Section 2.2 states that the City may extend the Current Landfill  
23 Agreement by exercising the extension option at the City’s sole and absolute discretion and  
24 by modifying the Current Landfill Agreement through an executed written amendment; and  
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1           WHEREAS, The Environment Department is proposing a Second Amendment to the  
2 Current Landfill Agreement that would exercise the option to extend, and would extend the  
3 term of the Current Landfill Agreement for a period of six years, or until an additional 1.6  
4 million tons of solid waste have been disposed under the Agreement, whichever comes first  
5 (“Second Amendment”); and

6           WHEREAS, The Environment Department estimates that, given the current rate of  
7 solid waste disposal, an extended landfill agreement would reach the additional capacity of  
8 1.6 million tons of solid waste disposed in November 2028, which is approximately 4.3 years  
9 from July 21, 2024, and before the extended term period of an additional six years is reached;  
10 and

11           WHEREAS, The Environment Department estimates that the additional 4.3 years of  
12 extended landfill agreement time is needed to prepare for and conduct a new landfill  
13 agreement solicitation, selection and contract negotiation including any necessary CEQA  
14 process and acquire Board of Supervisor approval for a new landfill agreement; and

15           WHEREAS, The Planning Department prepared in 2015 a final negative declaration  
16 (FND) as required by CEQA, on the proposed disposal at Recology’s Hay Road landfill for a  
17 term of up to 5 million tons of solid waste disposed or a period of up to 15 years, finding in its  
18 Motion No. 19376 the FND was adequate, accurate and objective, and reflected the  
19 independent analysis and judgment of the Planning Commission, and approved the FND for  
20 the Agreement in compliance with CEQA, the CEQA Guidelines and Chapter 31, and  
21 therefore, the previous FND satisfies the CEQA requirement for the proposed extended term  
22 of the Current Landfill Agreement, as the proposed extension would not exceed a cumulative  
23 5 million tons of solid waste disposal or a total term of 15 years; and

1 WHEREAS, A copy of the Current Landfill Agreement, the First Amendment, and the  
2 Second Amendment are on file with the Clerk of the Board of Supervisors in File No. 240556  
3 and are hereby declared to be a part of this Resolution as if set forth fully herein; and

4 WHEREAS, San Francisco Charter, Section 9.118, requires the Board of Supervisors  
5 to approve contracts having a term of more than 10 years; and

6 WHEREAS, The Director of the Environment Department recommends approval of the  
7 proposed Second Amendment; now, therefore, be it

8 RESOLVED, That the Board of Supervisors under Charter, Section 9.118, approves  
9 the proposed Second Amendment; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of the  
11 Environment Department to execute the Second Amendment.

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Recommended:

Approved:                     /s/                      
Mayor

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                    /s/                    

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Tyrone Jue, Director, Environment Department

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