

(Hold Harmless Provision)

**APPROVING A HOLD HARMLESS PROVISION FOR THE HOUSEHOLD HAZARDOUS WASTE
COLLECTION PROGRAM AGREEMENT BETWEEN SANITARY FILL COMPANY AND THE CITY
ADMINISTRATOR'S OFFICE.**

WHEREAS, California Health and Safety Code, Section 25218.3 allows local governments, or contractors under agreement with local governments, to accept hazardous wastes from residents and Very Small Quantity Generators [also referred to in regulations as Conditionally Exempt Small Quantity Generators]; and

WHEREAS, Sanitary Fill Company has been operating the San Francisco Household Hazardous Waste Collection Facility ("Facility") since January, 1988 under agreement with the City and County of San Francisco; and

WHEREAS, the State of California is allowing permanent household hazardous waste collection facilities to operate under an expedited and streamlined permitting and regulatory structure ("Permit by Rule"), as long as the facility is operated by a public agency; and

WHEREAS, Permit by Rule requires the City to be the operator of the HHWCF and enter into an Agreement with its contractor, Sanitary Fill Company, to allow Sanitary Fill Company to continue managing the day-to-day operations at the Facility;

WHEREAS, Permit by Rule requires all permanent household hazardous waste facilities in California to notify the State Department of Toxic Substances Control of its intent to operate under Permit by Rule no later than November 15, 1997 and to include the executed Agreement in its submittal;

WHEREAS, the current, three-year agreement with Sanitary Fill Company expires in August, 2000; and

WHEREAS, the City Administrative Office contemplates entering into another Agreement in which the City will be the generator, producer, potentially responsible party, responsible or liable party, as those terms are defined and used in federal and state hazardous waste laws, for household hazardous and Very Small Quantity Generator waste received by Sanitary Fill Company in accordance with the Household Hazardous Waste Collection Program Agreement; and

WHEREAS, the City Administrator's Office contemplates entering into an Agreement in which the City indemnifies, defends and holds harmless Sanitary Fill Company from and against any and all losses which result from (i) Sanitary Fill Company's being held liable or responsible as a Potentially Responsible Party, Responsible Party, or Liable Party as those terms are defined in the Agreement, (ii) the transportation and disposal of hazardous waste off the site for which the City executed a manifest, (iii) any failure by City to faithfully observe or perform any of the terms, covenants, or conditions of this agreement and (iv) any violation by City of any laws, rules regulations or orders applicable to City's duties under the Agreement, except to the extent such losses are the result of gross negligence or willful misconduct of Company and are not contributed to by any act of, or by any omission to perform some duty imposed by law or contract on City, its contractors or either's agents or employees. Notwithstanding, anything to the contrary, City's indemnity shall not include any losses arising out of any breach of

Sanitary Fill Company's obligations under the Agreement or Operations Plan, including, but not limited to, the acceptance of hazardous waste from residents or other persons or jurisdiction outside of the City and County of San Francisco.

WHEREAS, the consent of the Board of Supervisors is a necessary prerequisite to the execution of a hold harmless provision for the benefit of the other party to an Agreements detailed above, now therefore, be it:

RESOLVED, that the Board of Supervisors hereby authorizes the City Administrator's Office to enter into a Household Hazardous Waste Collection Program Agreement with Sanitary Fill Company which includes a hold harmless provision; and be it

FURTHER RESOLVED, that copies of this resolution be furnished to His Honor, the Mayor, and the City Administrator.

A handwritten signature in cursive script, reading "William Lee", is written over a horizontal line.

William Lee
City Administrator



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 001194

Date Passed:

Resolution approving a hold harmless provision for the Household Hazardous Waste Collection Program agreement between Sanitary Fill Company and the City Administrator's Office.

July 24, 2000 Board of Supervisors — ADOPTED

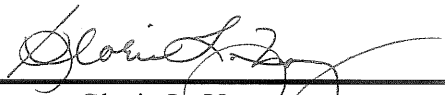
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee


File No. 001194

I hereby certify that the foregoing Resolution was ADOPTED on July 24, 2000 by the Board of Supervisors of the City and County of San Francisco.

JUL 28 2000

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.