

1 **[SAN FRANCISCO COMMISSION ON ENVIRONMENT RESOLUTION**  
2 **AUTHORIZING ENVIRONMENT DEPARTMENT DIRECTOR TO**  
3 **EXECUTE AGREEMENT WITH RECOLOGY FOR OPERATION OF SAN**  
4 **FRANCISCO’S HOUSEHOLD HAZARDOUS WASTE COLLECTION**  
5 **PROGRAM]**

6  
7 **Resolution authorizing the Director of the San Francisco Department of the**  
8 **Environment to execute an agreement with Recology San Francisco for the**  
9 **management of household hazardous waste collection programs for a term of**  
10 **approximately April 1, 2024, to March 31, 2029.**

11  
12 WHEREAS, The City and County of San Francisco (“City”) and Recology  
13 San Francisco (“Recology”) entered into an initial Household Hazardous Waste  
14 Collection Program Agreement (“Agreement”) on or about December 4, 1987, for  
15 operation of the San Francisco Household Hazardous Waste Facility at 501 Tunnel  
16 Avenue (“Facility”); and

17 WHEREAS, The City and Recology entered into the Very Small Quantity  
18 Generator (“VSQG”) Hazardous Waste Pilot Days Collection Program Agreement  
19 on or about, June 17, 1992, to provide for receipt of VSQG waste at the Facility;  
20 and

21 WHEREAS, The California Department of Resource Recovery  
22 (“CalRecycle”) approved the household hazardous waste (“HHW”) programs  
23 covered by this Agreement on September 28, 1990, as an element of the County  
24 Integrated Waste Management Plan required by Public Resources Code Section  
25 41510 and confirmed in Annual Reports to CalRecycle since 1998; and

26 WHEREAS, In 1994, the Department of Toxic Substances Control  
27 (“DTSC”), pursuant to its authority to enforce the California Hazardous Waste

1 Control Act, adopted regulations, codified in Title 22 of the California Code of  
2 Regulations, requiring Permanent Household Hazardous Waste Collection  
3 Facilities (“PHHWCFs”) in California to obtain a Hazardous Waste Facility Permit  
4 (“DTSC Permit”); and

5 WHEREAS, The regulations applicable to PHHWCFs require financial  
6 assurance for the closure of PHHWCFs. To meet this requirement, Recology  
7 established a Trust Fund in accordance with DTSC regulations in March 1994; and

8 WHEREAS, In 1995, DTSC further amended its regulations applicable to  
9 PHHWCFs, requiring that a public agency be the operator of a PHHWCF for  
10 DTSC permit purposes and the generator of any hazardous waste brought to a  
11 PHHWCF; and

12 WHEREAS, In August 1997, the City entered into a comprehensive,  
13 Household Hazardous Waste Collection Program Agreement with Recology to  
14 authorize the City to be the operator of the Facility for purposes of DTSC  
15 permitting regulations applicable to PHHWCFs and to accommodate VSQG waste  
16 and related HHW programs at the Facility; and

17 WHEREAS, In August 2000, the 1997 Agreement was modified to extend  
18 the term until August 1, 2003; and

19 WHEREAS, In 2003, Sanitary Fill Company changed its name to SF  
20 Recycling & Disposal, Inc.; and, in 2010, SF Recycling & Disposal, Inc. changed  
21 its name to Recology San Francisco; and

22 WHEREAS, In August 2003, August 2008, June 2014, and March 2019, the  
23 City entered into agreements with Recology to enable the continued operation of  
24 the Household Hazardous Waste Facility; and

25 WHEREAS, The City desires to renew its agreement with Recology to  
26 enable the Facility to continue to operate in San Francisco and accept household  
27 and VSQG hazardous waste pursuant to a DTSC Permit; and

1           WHEREAS, The term “Facility” has been expanded in previous agreements  
2 to include all household hazardous waste collection programs agreed to and  
3 described in the Operations Plan, such as door-to-door household hazardous waste  
4 pick-up, curbside battery collection, retail architectural paint, and universal  
5 hazardous waste collection; and

6           WHEREAS, As of July 1, 2017, Recology is now contracting, in place of the  
7 City, with PaintCare, a Product Stewardship Organization, to obtain  
8 reimbursement for certain expenses related to management of excess and unwanted  
9 architectural paint; and

10           WHEREAS, The City further desires to designate Recology as its Local  
11 Agent for Electronic Waste Collection in order to continue the safe and legal  
12 collection and recycling of hazardous electronic waste and to obtain streamlined  
13 reimbursement from California’s Covered Electronic Waste Recycling Program;  
14 and

15           WHEREAS, San Francisco Department of the Environment (“Department”)  
16 wishes to procure legal and safe hazardous waste collection and management  
17 services for HHW generated by San Francisco residents and qualifying small  
18 businesses from Recology; and

19           WHEREAS, The City’s Risk Manager has reviewed and approved the  
20 nonstandard indemnity, as required by San Francisco Admin Code Section 1.24;  
21 and

22           WHEREAS, Recology represents and warrants that it is qualified to perform  
23 the Services required by the City as set forth under this Agreement; and

24           WHEREAS, The Commission on the Environment (“Commission”)  
25 approved amendments to Resolution File No. 2022-08-COE on December 6, 2022,  
26 requiring the Department to receive Commission approval before executing any  
27 agreement with Recology, its subsidiaries, or any other provider of services to the

1 household hazardous waste collection program, or other refuse services; now,  
2 therefore, be it

3           RESOLVED, That the Commission authorizes the Director of the  
4 Department, upon final review and approval by the City’s Risk Manager, to  
5 execute an Agreement with Recology for San Francisco’s HHW Collection  
6 Program for a term of approximately April 1, 2024, through March 31, 2029, with  
7 substantially similar terms and conditions to the March 2019 agreement with  
8 Recology for provision of these services.

9  
10           I hereby certify that this Resolution was adopted by the Commission on the  
11 Environment at its regular meeting on February 5, 2024.

12  
13   
\_\_\_\_\_

14 Kyle Wehner, Commission Affairs Officer

15  
16 Vote:           Approved 6-0  
17 Ayes:           Commissioners Ahn, Wan, Bermejo, Sullivan, Tompkins, Yuen  
18 Noes:           None  
19 Absent:         Commissioner Hunter