

RESOLUTION NO. 070422

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION:

APPROVING THE OPERATIONS AGREEMENT WITH SOUTH BAY RECYCLING, LLC FOR OPERATION OF THE SHOREWAY RECYCLING AND DISPOSAL CENTER IN SAN CARLOS

RESOLVED, the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the State of California, through the California Integrated Waste Management Act of 1989, codified at Public Resources Code Section 40000, et seq. (the "Act"), found and declared that the amount of solid waste generated in California, coupled with diminishing landfill space and potential adverse environmental impacts from landfill disposal, has created a need for state and local agencies to enact and implement an aggressive integrated waste management program; and

WHEREAS, the Act directs the California Integrated Waste Management Board and local agencies to divert the amount of solid waste that is being disposed of into landfills, which can be supported by maximizing the use of feasible source reduction, recycling, and composting; and

WHEREAS, the South Bayside Waste Management Authority (SBWMA) is a joint powers agency organized under the Joint Exercise of Powers Act by cities and other local government agencies in San Mateo County (the "Member Agencies"), each of which oversees the collection of solid waste and recyclable materials within its

jurisdiction; and

WHEREAS, the SBWMA owns and oversees the operation of the Shoreway Recycling and Disposal Center in San Carlos (Shoreway Center). The recycling and material recovery operations conducted at the Shoreway Center are an integral component of each of the Member Agencies' Source Reduction and Recycling Elements, which have in turn been incorporated into San Mateo County's Integrated Waste Management Plan; and

WHEREAS, the Member Agencies, acting in coordination with each other and the SBWMA, are planning to expand the recycling operations within each of their jurisdictions through a variety of measures, including the institution of "single stream" recycling; and

WHEREAS, in order to prepare for this anticipated increase in the amount of recyclable materials, and to improve the ability of the Shoreway Center to recover recyclable materials from solid waste delivered to it, the SBWMA is planning a substantial renovation and expansion of the facilities at the Shoreway Center; and

WHEREAS, one of the anticipated improvements is the installation of a new system designed specifically for sorting and recovering recyclable materials from single stream collection programs. The new system has been recommended by the Contractor, is to be installed by the manufacturer-vendor within the materials recovery portion of the Shoreway Center, and to be operated by the Contractor; and

WHEREAS, On November 1, 2007, the SBWMA issued a Request for Proposals

for a qualified contractor to operate the Shoreway Center, transport recyclable materials to various specialized processors and transport residual solid waste to the Ox Mountain Landfill; and

WHEREAS, South Bay Recycling, LLC (SBR) submitted a proposal which, in the judgment of the staff of the SBWMA, represented the greatest value to the SBWMA, its Member Agencies and their residents and businesses. On July 23, 2009, the SBWMA Board approved the Operations Agreement with SBR as the operator of the Shoreway Center; and

WHEREAS, the City of San Carlos (the "City") is the lead agency for the purposes of environmental review of this Operations Agreement under the California Environmental Quality Act ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act ("Guidelines"); and

WHEREAS, under CEQA and the Guidelines, the County is a Responsible Agency with respect to the environmental review of the Operations Agreement; and

WHEREAS, the City has analyzed the potential environmental impacts of the Operations Agreement and various actions to be taken by SBWMA in connection therewith (including expansion of and improvements to the Shoreway Recycling and Disposal Center), in a Mitigated Negative Declaration (MND) prepared for and approved by the City's Planning Commission in July 2008; and

WHEREAS, the County has received, reviewed, and considered the MND

prepared and approved by the City and has considered the environmental effects of the Operations Agreement as shown in the MND and has independently considered these matters; and

WHEREAS, the Board of Supervisors finds that the MND is and remains an adequate environmental document pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines for the purposes of analysis and consideration of the Operations Agreement.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED THAT:

1. The Board of Supervisors of the County of San Mateo adopts the foregoing recitals as true and correct, and
2. The Board of Supervisors hereby finds that:
 - a. It has independently reviewed and considered the MND and the administrative record related thereto, and that it reflects the Board's independent judgment, acting on behalf of the County as a Responsible Agency for the Operations Agreement; and
 - b. On the basis of its review of the MND and the administrative record related thereto, the Board of Supervisors finds that there is no substantial evidence that approval of the Operations Agreement and the implementation of the various actions to be taken by SBWMA in

connection therewith, will have a significant effect on the environment; and

c. There is no substantial evidence that would support requiring any subsequent environmental review of the Operations Agreement.

3. The Board of Supervisors hereby approves the Agreement for Operation of the Shoreway Recycling and Disposal Center between the SBWMA and South Bay Recycling, LLC. Provided, however, that the Agreement shall not become effective unless and until at least eight (8) of the Member Agencies approve the Agreement (per Section 7.1.1 of the SBWMA First Amended and Restated Joint Exercise of Powers Agreement), on or before November 30, 2009.

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Regularly passed and adopted this 20th day of October, 2009.

AYES and in favor of said resolution:

Supervisors: MARK CHURCH
CAROLE GROOM
RICHARD S. GORDON
ROSE JACOBS GIBSON
ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors: NONE

Absent Supervisors: NONE

Mark Church
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Marie L. Peterson
Marie L. Peterson, Deputy
Clerk of the Board of Supervisors