



## Upper Valley Waste Management Agency Board Agenda Letter

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**TO:** Board of Directors

**FROM:** Steven Lederer - Manager  
Upper Valley Waste Management Agency

**REPORT BY:** Steven Lederer, Director, Public Works - 259-8228

**SUBJECT:** Public Hearing: Fifth Amendment to CFL Franchise

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### **RECOMMENDATION**

#### **PUBLIC HEARING: FIFTH AMENDMENT TO CLOVER FLAT LANDFILL (CFL) FRANCHISE AGREEMENT**

**DISCUSSION AND POSSIBLE ACTION:** Staff recommends Board grant approval and authorization for the Chair to sign the Fifth Amendment to Agency Agreement #95-06 (Clover Flat Landfill), which further defines certain waste types as hazardous waste and therefore not regulated by UVA rate setting controls and approve a revised rate table for CFL..

### **EXECUTIVE SUMMARY**

The proposed amendment to the CFL Agreement more clearly defines which wastes are excluded from the agreement and are not subject to UVA rate controls. Specifically the currently adopted CFL rate sheet includes pricing for Motor Homes, Mobile Homes, Recreational Vehicles, and Pressure Treated Wood. Since these items contain hazardous materials and require special handling, they are not covered under the definition of solid waste and would not be subject to rate controls by the Agency. However, the rates for these items have in fact been included on the Board approved CFL rate sheet for many years. The purpose of this amendment is to move these items to a new section of the rate sheet that is not regulated by UVA, and make clarifying changes to the Franchise Agreement to explain this..

The proposed changes are described in more detail in the background section of this report and are shown in both "tracked changes" and clean versions of the contracts, which are attached to this item.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. While this agreement adjusts financial arrangements, physical changes at CFL are controlled by land use and Calrecycle permits, which implement the CEQA process when and if changes are proposed.

**BACKGROUND AND DISCUSSION**

The proposed amendment to the CFL Agreement (See Attachments B and C for clean and tracked versions of the proposed amendment) more clearly defines which wastes are excluded from the agreement and are not subject to UVA rate controls. Specifically the currently adopted CFL rate sheet includes pricing for Motor Homes, Mobile Homes, Recreational Vehicles, and Pressure Treated Wood. Since these items contain hazardous materials and require special handling, they are not covered under the definition of solid waste and would not be subject to rate controls by the Agency. However, the rates for these items have in fact been included on the Board approved CFL rate sheet for many years. The purpose of this amendment is to move these items to a new section of the rate sheet that is not regulated by UVA, and make clarifying changes to the Franchise Agreement to explain this.

In general, changes are made as follows:

1. Section 1: Define "Excluded Waste" to mean hazardous waste that cannot be Disposed of in Class III landfills, waste that in the Contractor's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose Contractor or Regional Agency to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe Collection, Recycling, treatment, and Disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code;
2. Section 2 and 5.7: Allow CFL to handle such wastes;
3. Section 18.1: That such materials shall become the responsibility of Contractor, including Excluded Waste and its proper Disposal;
4. Section 18.9 through 18.12: That the contractor shall provide suitable operational and safety training for all of its employees who are involved in operations to identify and handle Excluded Waste, including a load inspection program;
5. Section 5.10: Indemnification Provisions. Amend the indemnification provisions to include claims related to Excluded Waste disposed of at CFL;
6. Attachment A to this agenda item: Adopt a new rate sheet that moves Motor Homes, Mobile Homes, Recreational Vehicles, and Pressure Treated Wood to a new, unregulated section of the rate sheet (copy attached) which allow the Company to changes those rates as needed.

**SUPPORTING DOCUMENTS**

- A . Proposed CFL rate sheet
- B . 5th Amendment to CFL Agreement (Clean)
- C . 5th Amendment to CFL Agreement (Tracked)

Recommendation: Approve  
Reviewed By: Steven Lederer