Recommendation

Staff recommends that Council:


2. **Adopt a Budget Amendment Ordinance** (Attachment D) in the amount of $174,157 to provide an additional appropriation for Amendment No. 2 to Contract No. C11136602 with Alternative Resources Incorporated.

3. Approve and authorize the City Manager or his designee to execute the attached contract amendment No. 2 to Contract No. C11136602 (Attachment C) with Alternative Resources, Inc. in the amount of $290,224 for assisting the City in implementation of the Action Plan and Timeline for Consideration of an Energy/Compost Facility, for a total not to exceed contract amount of $517,682.

4. Direct staff to prepare an Organics Resource Recovery Strategy (ORRS).

Executive Summary
This staff report transmits the Action Plan and Timeline for Consideration of an Energy/Compost Facility. On February 6, 2012, Council directed staff to work with Alternative Resources, Inc. (ARI) to develop the Action Plan and Timeline and to return to Council to present it. The Action Plan and Timeline describes the necessary steps and schedule to obtain and analyze vendor proposals for an Energy/Compost Facility through a Request for Proposals process that would allow Council to make a decision on the Facility in February 2014. It also includes coordination with the Regional Water Quality Control Plant’s (RWQCP) efforts to retire the existing biosolids incinerators, and development of an Organics Resource Recovery Strategy.

Staff recommends that 1) the Action Plan and Timeline for Consideration of an Energy/Compost Facility be accepted; 2) a contract amendment in the amount of $290,224 be approved, 3) a related Budget Amendment Ordinance be approved to allow ARI to assist staff with implementation of the Action Plan and Timeline; and 4) staff be directed to prepare an Organics Resource Recovery Strategy.

Background
On April 5, 2010, Council directed staff to initiate a feasibility study for an Energy/Compost Facility in Palo Alto. Council approved a contract with ARI to conduct the study (CMR:333:10) in August 2010. In September 2011, a Final Feasibility Report was presented to Council. The Feasibility Report recommended that if the site at Byxbee Park becomes available through the passage of Measure E, the City should take further actions to consider anaerobic digestion and other technologies for managing the City’s food scraps, yard trimmings, and biosolids at the site.

In November 2011, Palo Alto voters passed Measure E, which removes a 10-acre parcel of land adjacent to the wastewater treatment plant from dedication as parkland for the limited use as an Energy/Compost Facility. Approximately 8 acres of this 10-acre parcel are on the uncapped portion of the Palo Alto Landfill. On February 6, 2012, Council approved Amendment No. 1 to ARI’s contract to allow ARI to assist the City in developing an Action Plan and Timeline for Consideration of an Energy/Compost Facility on the 10-acre parcel or a portion thereof. Staff was also directed to continue working with regulatory agencies to obtain approval for postponing the final capping of the landfill for one construction season, and to cease the existing composting operation at the
landfill as soon as possible.

**Discussion**

**Action Plan and Timeline**

The Action Plan and Timeline for Consideration of an Energy/Compost Facility were developed with the assistance of ARI. The Action Plan and Timeline is focused on a Request For Proposals (RFP) process that will allow the City to obtain firm pricing from vendors interested in providing technologies to manage the City’s food scraps, yard trimmings, and biosolids. The proposed RFP process also includes soliciting pricing for export options to allow comparison with the City’s current export pricing for food scraps and yard trimmings. A public meeting to review the Action Plan and Timeline and to obtain community feedback was held on April 25, 2012.

Table 1 presents the key components of the Action Plan and Timeline. The Timeline is also presented separately as Attachment B, detailing the tasks and timeframes associated with each of the key steps.

**Table 1: Key components of the Action Plan and Timeline**

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preparation of the Action Plan (complete)</td>
</tr>
<tr>
<td>2</td>
<td>Long Range Facilities Plan for the Regional Water Quality Control Plant (complete)</td>
</tr>
<tr>
<td>3</td>
<td>Organics Resource Recovery Strategy</td>
</tr>
<tr>
<td>4</td>
<td>Landfill Capping</td>
</tr>
<tr>
<td>5</td>
<td>Project Concept and RFP Process to obtain pricing for Energy/Compost Facility and export options/Analysis of economic and environmental impacts</td>
</tr>
<tr>
<td>6</td>
<td>Implementation of Selected Strategy</td>
</tr>
</tbody>
</table>

**Preparation of Action Plan and Long Range Facilities Plan**

Preparation of the Action Plan and the Long Range Facilities Plan for the RWQCP is complete and is scheduled concurrently with this item for Council review and approval.

**Organics Resource Recovery Strategy**

Preparation of an Organics Resource Recovery Strategy (ORRS) is recommended
to take place along with RFP preparation. The ORRS will describe the amounts and types of organic materials that are available for Energy/Compost and export options, evaluate the current and potential future programs for collecting and conveying organic materials, define the process that will be used for comparing current organics management with the options provided by vendor proposals, and develop the City’s strategy for encouraging or discouraging alternative organics management options such as food waste disposers and home composting.

**Landfill Capping**
On February 6, 2012, Council directed City staff to obtain approval from the appropriate regulatory agencies for a one year postponement on capping of the Palo Alto Landfill while the Energy/Compost Facility is being considered. The Palo Alto Landfill is located on Byxbee Park, and the remaining uncapped area is scheduled to be opened to the public once the capping process is completed. Staff has obtained conceptual approvals to postpone capping until the 2013 construction season from the Santa Clara County Department of Environmental Health (Local Enforcement Agency), the California Regional Water Quality Control Board (RWQCB), and the California Department of Resources Recycling and Recovery (CalRecycle). The respective staffs are working cooperatively to formalize this extension. The Action Plan and Timeline includes a Council decision on landfill capping in January 2013. The composting operation at the landfill accepted the final load of yard trimming materials on March 31, 2012, and processing and screening of the final composted materials was completed on June 6, 2012.

**Project Concept and RFP Process to Obtain Pricing for Energy/Compost and Export Options**
The Action Plan and Timeline include a number of tasks that are necessary to complete the RFP process. A key initial task is finalizing project concepts, project goals, and performance specifications. The performance specifications, which include factors such as size limits, acceptable technologies, business arrangements, and preferences for energy production and compost quality, will be used in the RFP to define the scope of a potential project. A comprehensive list of performance specification considerations is provided in the “Discussion Points” section of the Action Plan and Timeline. Upon finalization of the performance specifications and Council authorization, the RFP will be released.
Proposals received from vendors will be evaluated, and a Council decision to 1.) move forward with an Energy/Compost Facility, 2.) utilize a vendor-provided export option, 3.) continue with current programs for organics management, or 4) a combination of two or more strategies will be made.

The environmental review process is expected to be run concurrently with the RFP process. An Environmental Checklist will be performed for the range of expected options. The bulk of the foundational work for the environmental review process can be completed before the proposals are received, but to ensure that all possible environmental impacts (and benefits) are fully evaluated, the environmental process will be finalized after the proposals are received. The Action Plan Timeline includes a Council decision in February 2014.

The Project Concept and RFP process includes multiple points for Council and public input and Council approval. Public meetings are included in the Action Plan and Timeline for review of project concepts, project goals, and performance specifications, and for review of the draft RFP. Council review of the draft RFP is provided for, as is Council authorization to release the final RFP. The public will also have the opportunity to comment on the environmental assessment which will include a full environmental analysis of the proposals.

Implementation of Selected Strategy
Following Council’s decision in February 2014, the City will implement either an Energy/Compost Facility option or an export option. Export options may be those provided by vendors through the RFP process or the current programs that are in place. Biosolids may be managed as part of an Energy/Compost Facility, through an export option, or through an on-site management option at the RWQCP.

Action Plan Timeline Summary
Table 2 provides a summary of the timeline for the major action items in the Action Plan and Timeline that lead up to Council’s decision on an Energy/Compost Facility. A more detailed timeline is included as Attachment B.

<table>
<thead>
<tr>
<th>Action Item</th>
<th>Approximate Start Date</th>
<th>Approximate End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop Organics Resource Recovery Strategy</td>
<td>July 2012</td>
<td>April 2013</td>
</tr>
<tr>
<td>Develop performance</td>
<td>July 2012</td>
<td>January 2013</td>
</tr>
<tr>
<td>Specifications</td>
<td>July 2012</td>
<td>December 2012</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-----------</td>
<td>---------------</td>
</tr>
<tr>
<td>Develop an RFP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Companies prepare proposals</td>
<td>February 2013</td>
<td>July 2013</td>
</tr>
<tr>
<td>Proposal evaluation and financial and environmental analysis</td>
<td>July 2013</td>
<td>January 2014</td>
</tr>
<tr>
<td>Council decision on Energy/Compost Facility or Export</td>
<td>February 2014</td>
<td>February 2014</td>
</tr>
</tbody>
</table>

**ARI Contract Amendment No. 2**

Staff recommends that a contract amendment with ARI be approved to allow ARI to assist the City in implementing the Action Plan and Timeline for Consideration of an Energy/Compost Facility. The initial ARI contract funding of $197,758 was used to complete the Energy/Compost Feasibility Study. Amendment No. 1 for $29,700 was used to develop the Action Plan and Timeline. An additional $290,224 is being proposed to complete the following tasks:

- Finalize project concept, goals, and performance specifications
- Public review of project concept, goals, and performance specifications
- Prepare CEQA checklist
- Request for Proposals for Energy/Compost and export options
- Public review of Request for Proposals
- Presentation of draft and final Request for Proposals to City Council
- Release final Request for Proposals, answer proposer questions
- Proposal review and evaluation, financial analysis of alternatives
- Public review of proposal evaluation and financial analysis
- Presentation of proposal evaluation and financial analysis to City Council

**Coordination with RWQCP Long Range Facilities Plan process**

The Action Plan and Timeline have been carefully coordinated with the RWQCP’s schedule for developing a Biosolids Facility Plan as recommended by the Long Range Facilities Plan. The RWQCP will provide performance specifications for biosolids management in September 2012 that will be incorporated into the Energy/Compost Facility RFP process along with the performance specifications for food scraps and yard trimmings. Vendor proposals in response to the RFP are
scheduled to be received in July 2013, allowing time for the information to be considered in the preparation of the Biosolids Facility Plan. Staff recommendations to Council on an Energy/Compost Facility and on biosolids management solutions are both scheduled for February 2014.

Timeline
Following Council acceptance of the Action Plan and Timeline and approval of the Alternative Resources, Inc. contract amendment, staff will immediately begin implementing the Action Plan and Timeline. Staff will return next to Council in January 2013 for review and approval of the Energy/Compost Facility RFP, and for a decision on landfill capping.

Resource Impact
The $290,224 for Alternative Resources, Inc. contract Amendment No. 2 will be funded by the Refuse Fund, the Wastewater Treatment Fund, and the Electric Fund. The attached Budget Amendment Ordinance increases the budgeted expenditures for the Refuse Fund in FY 2013 by $174,157. The remaining $116,067 is available in the Wastewater Treatment Fund ($87,067) and the Electric Fund ($29,000) operating budgets for FY 2013. No additional appropriation for the Wastewater Treatment Fund or the Electric Fund is needed.

Policy Implications
Recommendations of this staff report are consistent with existing City policies including the Zero Waste Plan, Baylands Master Plan and Comprehensive Plan as amended by Measure E on November 8, 2011.

Environmental Review
Following Council’s approval of ARI Contract Amendment No. 2, a CEQA checklist will be prepared in October 2012 for the purpose of providing information about potential environmental concerns that will be considered in the Request for Proposals/environmental review process.

Attachments:
- A: Action Plan and Timeline (DOC)
- B: Combined Energy Compost Facility Action Plan and Biosolids Facility Plan Timeline (PDF)
- C: ARI Contract C11136602 Amendment No. 2 (PDF)
- D: Budget Amendment Ordinance (DOC)
• Public Letter to Council (DOC)
• Public Letter to Council (PDF)

Prepared By: Charles Muir,

Department Head: J. Michael Sartor, Director

City Manager Approval:  

James Keene, City Manager
Attachment A

ACTION PLAN

CONSIDERATION OF ENERGY/COMPOST (E/C) FACILITY

Alternative Resources, Inc.

July 2, 2012
Following passage of Measure E in November 2011, City staff and Alternative Resources, Inc. (ARI) have prepared this Action Plan to set out steps for the City to further consider implementation of an Energy/Compost Facility and/or export of food scraps, yard trimmings and biosolids. The Action Plan presented herein includes a list of further steps and a schedule for those steps, considering other related ongoing activities that must be integrated with the Action Plan, such as closure of the landfill and integration of biosolids management as addressed in the Long Range Facilities Plan for the Regional Water Quality Control Plant.

**Public Review of Action Plan**

Preparation of the Action Plan included public review and comment on a draft plan posted on the City’s web site on or about April 15th and presented by City Staff at a public meeting on April 25th.

**Key Steps and Schedule**

As shown in Table 1, there are six (6) key activities included in the Action Plan. These include:

1. Preparation of the Action Plan
2. Long Range Facilities Plan for the Regional Water Quality Control Plant, particularly the Biosolids Plan
3. Organics Resource Recovery Strategy
4. Landfill Closure
5. Project Concept/Request for Proposal (RFP) Process for Consideration of E/C Facility and Export for Food Scraps, Yard Trimings and Biosolids
6. Implementation of Selected Strategy
City Milestones

As shown in Table 1, key decision points for City Council include:

- Acceptance of the Action Plan: July 2, 2012
- Acceptance of the Long Range Facilities Plan for the RWQCP: July 2, 2012
- Decision on Landfill Capping Design: January 2013
- Approval of the Organics Resource Recovery Strategy: April 2013
- Approval of the Final RFP for release: January 2013
- Consideration of and a decision as to whether to proceed with negotiation of a contract for an E/C Facility or Export for food scraps, yard trimmings and biosolids, and the Preferred Proposer with whom to enter into contract negotiations or to pursue a separate project for biosolids: February 2014
- Acceptance of a Biosolids Facility Plan: July 2014
- Consideration of approval of a contract for an Export Option or E/C Facility: August 2014 (Export Option) or May 2015 (E/C Facility)

Public Participation, Review and Meetings

Also, as shown in Table 1, public participation has occurred or is scheduled throughout the process to include review of the:

- Review of Draft RFP: November 2012
Table 1

Energy-Compex Facility & Indicators: Facility Plan Timeline

<table>
<thead>
<tr>
<th>Component Key</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action Plan Component</td>
</tr>
<tr>
<td>RWQCP Component</td>
</tr>
<tr>
<td>Landfill Component</td>
</tr>
<tr>
<td>Coordinated Component</td>
</tr>
<tr>
<td>Public Meeting</td>
</tr>
<tr>
<td>City Council Meeting</td>
</tr>
</tbody>
</table>

[Table and Graph Image]
ISSUES FOR CONSIDERATION

Project Concept/RFP Process/ Performance Specifications

1. Project Concept: E/C Facility
   - Type/Quantity of Feedstock – Food Scraps, Yard Trimmings, Biosolids, Update Quantities/Projections from RFI
   - Type of Technology Acceptable by Feedstock – Dry AD for Food Scraps and Yard Trimmings, Wet AD for Biosolids in Separate Cells; Other? (e.g., Wet AD for Food Scraps and Yard Trimmings; Dry AD for Biosolids, Combined Treatment of Food Scraps, Yard Trimmings and Biosolids by AD; Gasification of Biosolids)
   - Site for Food Scraps/Yard Trimmings – Landfill, possibly RWQCP if Wet AD
   - Site for Biosolids – RWQCP, possibly Landfill if Dry AD

2. Project Concept: Export
   - Type/Quantity of Feedstock – Food Scraps, Yard Trimmings, Biosolids, Update Quantities/Projections from RFI
   - Food Scraps and Yard Trimmings- Collection and Direct Haul
   - Storage/Loading Area for Dewatered Biosolids at RWQCP before export

3. RFP Considerations/Performance Specifications for E/C Facility and Export (as appropriate):
   - Combined Procurement for Food Scraps, Yard Trimmings and Biosolids (allow for separate biosolids project, if City finds it advantageous to pursue that course)
   - Scope of Service – Permitting (CEQA-likely by the City, Permits-by the selected Company or the City), Company to Design/Build/Operate and Market Products (Possibly Design/Build for Wet AD or Gasification of Biosolids), City to buy power
   - Site Location (see Item 1 above)
   - Size Limits or Size Goals for Landfill Site
   - Definition of Acceptable Technologies (see Item 1 above)
   - Compost Digestate On or Off Site, or Flexible
   - Facility Sized for Palo Alto Only, or Regional
   - Preference for Energy Production (Electricity, Gas, Fuel?); Use-in the City or export
   - Use of Landfill Gas, if beneficial
• Preferences for Compost Quality, Use
• Environmental Controls (e.g., Enclosed operations, Noise, Odor, Process Water Reuse, Stormwater, Air )
• Aesthetic Preference (e.g., Building Design, Buffer Zones)
• Performance Guarantees during Facility operation
  o Throughput
  o Environmental Compliance
  o Energy/Product Output, Quality
  o Residuals Quantity
  o Other, e.g. Recyclables Recovery and Reuse
• Preferences for Business Arrangements/Risk Allocation
  o Facility Ownership/Financing (e.g., Public, Private)
  o Term of Contract Operations, e.g. 20 years, options for renewal
  o Market Risk for Products – Energy, Compost; Profit Share
  o Contractor Compensation Basis (Unit Pricing? Annual Service Fee? City Put-or-Pay Obligation?)
    o “Local Content” Purchasing (Construction and Long-Term Operations)
• Preferences for Contract Principles/Risk Allocation
  o Single Point of Responsibility by Company
  o Permitting (Permitability, Schedule)
  o Development Schedule (Pre-Financing, Post-Financing)
  o Site Conditions (Surface, Subsurface)
  o Construction-Related Contractor Guarantees (Cost, Schedule, Design Standards/Quality, Acceptance, Guarantee Enforcement)
  o Operations-Related Contractor Guarantees (Cost/Service Fees, Performance Standards, Asset Management, Guarantee Enforcement)
  o Alternative Disposal Sites and Arrangements, if Facility not operating
  o Capital Improvements over time (Implementation, Cost Increases, Cost Savings)
  o Project Security (Insurance, Bonds, Company Guarantee, Letter of Credit (LOC), Maintenance of Financial Capability)
  o Uncontrollable Circumstances/Changes-in-Law Affecting Costs and Performance
  o Contractor Financial Penalties/Damages for Non-Performance
o Convenience Termination and Default Termination (Pre- and Post-Financing)
o City Step-In Rights (Including Access to Technology Licenses)
o Dispute Resolution
o Facility Removal/Site Restoration

• Proposal Evaluation
  o Key Evaluation Criteria to include: Company and Staff Qualifications, Demonstrated Use of Technology, Viability of Technical Approach, Environmental Mitigation, Conformance to City Business and Contract Terms, Price
  o Process allows choice of other than Lowest Priced Proposal

• Proposal Process does not commit the City to any action
AMENDMENT NO. 2 TO CONTRACT NO. C11136602
BETWEEN THE CITY OF PALO ALTO AND
Alternative Resources, Inc.

This Amendment No.2 to Contract No. C11136602 ("Contract") is entered into ______________, by and between the CITY OF PALO ALTO, a charter city and a municipal corporation of the State of California ("CITY"), and Alternative Resources, Inc., a corporation in the State of Massachusetts, located at 1732 Main Street, Concord, Massachusetts, 01742-3837 ("CONTRACTOR").

RECITALS:

WHEREAS, the Contract was entered into between the parties for the provision of preparation of a Feasibility Study for a Dry Anaerobic Digestion Facility; and

WHEREAS, the parties wish to amend the Contract;

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the parties agree:

SECTION 1. Section 4 of the Contract is hereby amended to read as follows:

"Section 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services described in Exhibit "A" (Amendment No. 2), including both payment for professional services, reimbursable expenses, and additional services shall not exceed two hundred ninety thousand two hundred twenty-four dollars $290,224 for a not to exceed contract total of $517,682."

SECTION 2. The following exhibit to the Contract is hereby amended to read as set forth in the attachment to this Amendment, which is incorporated in full by this reference:

a. Exhibit “A” entitled "Scope of Services".

b. Exhibit “B” entitled "Schedule of Performance".

c. Exhibit “C” entitled "Compensation".

SECTION 3. Except as herein modified, all other provisions of the Contract, including any exhibits and subsequent amendments thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have by their duly authorized representatives executed this Amendment on the date first above written.
APPROVED:

City Manager

APPROVED AS TO FORM:

Senior Asst. City Attorney

Attachments:
EXHIBIT "A": SCOPE OF SERVICES
EXHIBIT "B": SCHEDULE OF PERFORMANCE
EXHIBIT "c": COMPENSATION
GENERAL DESCRIPTION OF WORK
The project is to carry out Energy/Compost Facility Action Plan recommendations. The project site includes a 10 acre area of Byxbee Park. Back in November 2011 Measure E was passed which undedicated 10 acres of parkland for consideration of an energy/compost facility. In addition area inside the Palo Alto Regional Water Quality Control Plant will also be considered. These recommendations include moving forward with developing performance specifications for the processing of the various organic materials including food waste, green waste, and biosolids. In addition, the Consultant will prepare a draft Request for Proposal to be reviewed by the public, staff, and council. Upon approval from Council the Consultant will send the RFP out to various vendors. The RFPs will be evaluated and financial analysis performed on the proposals to compare costs of the each proposal and export options so Council can make an informed decision on whether to move forward with the consideration of the energy/compost facility or export option.

BACKGROUND
In February 2012 Council directed staff to prepare an action plan for the consideration of an energy compost facility to be considered on the 10 acre section of undedicated parkland located in Byxbee Park. The 10 acres of parkland were undedicated in November of 2011 by the passage of measure E.

Since this time a draft action plan has been prepared by the City’s consultant ARI. A public meeting has been held in April 2012 to get input from the public about the action plan. Staff will go to council in July 2012 to present the draft action plan to Council and seek further direction from council. Staff will propose moving forward with the action plan recommendation of preparing performance specifications, surveying prospective companies in the industry, preparing an RFP, evaluating Proposals and doing a financial analysis of the Proposals.

PROJECT APPROACH
The Consultant will assist the City in developing performance specifications, survey prospective companies in the industry, develop an RFP for an energy/compost facility, evaluate the Proposals, and provide financial analysis of the Proposals.

CONSULTANT SERVICES

TASK 13a: Finalize Project Concepts, Goals and Performance Specifications
The Consultant shall complete and prepare a description of Project Concepts, Goals and Performance Specifications as initially put forth in the Action Plan. The Consultant shall review the project concepts, goals and performance specifications
as outlined in the Action Plan and assist the City in establishing positions relative to these parameters. As part of this task, a survey of prominent companies in the industry shall be conducted by the Consultant. The survey shall include updated market positions (from those obtained during the RFI Process used during the Feasibility Study) regarding company interest, appropriate technology, performance requirements, site space needs, project delivery methods/constraints, and business terms/risk allocation, including the potential for private financing and ownership. This information shall be used to help formulate the project concepts, goals and performance specifications that shall be incorporated into the Request for Proposal (RFP) described in Task 13d). The Consultant shall have two meetings with City staff to review project concepts, goals and performance specifications, the first meeting shall establish an updated list of such parameters prior to the industry survey, and the second meeting shall include review of the survey results and discussion of the impacts on these parameters. A memorandum shall be prepared to describe the results of this task.

TASK 13b: Public Review of Project Concepts, Goals and Performance Specifications
The Consultant shall provide an electronic copy of the memorandum from Task 13a) to be made available to the public via the City’s web site and conduct a public meeting to discuss the memorandum and take public comments. The Consultant shall incorporate public comments into the Draft RFP to be prepared in Task 13d).

TASK 13c: Prepare CEQA Checklist
The Consultant shall prepare the CEQA Environmental Checklist Form. Mitigation measures shall be considered based on the project concept, goals and performance specifications developed in Task 13a), the proposed site, and the Program Environmental Impact Report recently prepared by the California Department of Recycling and Recovery “Statewide Anaerobic Digester Facilities for the Treatment of Municipal Organic Solid Waste”. Mitigation measures identified shall be included as design and/or operating performance standards in the Draft RFP to be prepared in Task 13d). The Consultant shall provide a copy of the draft CEQA Checklist for staff review. Public comment on the CEQA checklist shall be included as part of the public review of the Draft RFP. Following public review, a final CEQA checklist and work plan for the preparation of needed CEQA review documents shall be prepared.

TASK 13d: Request for Proposals (RFP) for In-City and Export Options
The Consultant shall prepare a Draft RFP and a Final RFP based on comments on the Draft RFP received from the public and City Council in Task 13e) and Task 13f). The Consultant shall prepare a single RFP for processing food scraps, yard trimmings and biosolids. The RFP shall seek firm technical and price proposals for both In-City and Export options.
Using input on project concepts, goals and performance specifications and on environmental mitigation from Tasks 13a), 13b) and 13c), a Draft RFP shall be prepared for City staff, public and City Council review. The RFP shall include the following sections:

- Introduction and Statement of City Goals and Objectives
- Project and Site(s) Information, including estimates of the quantity and a description of food scraps, yard trimmings and biosolids, site information, and City proposed pricing for purchase of electricity, gas or fuel.
- Scope of Services, including performance specifications
- Terms and Conditions of Contract (to be prepared by City legal Counsel)
- Procurement Process and Schedule
- Proposal Evaluation Process and Evaluation Criteria
- Instructions to Proposers for submitting a Proposal, including process for and content of the Proposal
- Appendices to provide background information on food scraps, yard trimmings and biosolids, the site, etc.

The City or its designee shall provide background information about the site, the RWQCP, food scraps, yard trimmings, and biosolids, and energy purchase. Information regarding acceptable biosolids processes and performance; i.e., anaerobic digestion, gasification or export will be provided by the City and/or other consultants and advisors. The Consultant shall review said information, consult with the City and its designee as needed, integrate and include the information in the Draft RFP. The Consultant shall meet with City Staff to present the Draft RFP. Staff comments shall be incorporated into the Draft RFP.

**TASK 13e: Public Review of Draft RFP**

The Consultant shall prepare a summary power point presentation of the Draft RFP and the CEQA Checklist, participate in a public meeting to present the Draft RFP and CEQA Checklist, and take public comment on the Draft RFP and CEQA Checklist. The Draft RFP and CEQA Checklist shall be made available for public review through the City’s web site.

**TASK 13f: Presentation of Draft and Final RFP to City Council**

Following public review in Task 13e), the Consultant shall provide a power point presentation of the Draft RFP to City Council. The Consultant shall incorporate any public and Council comments of the draft RFP and prepare a Final RFP. The Final RFP shall be presented to Council for consideration for authorization to release the RFP to companies for proposal preparation.
TASK 13g: Release Final RFP, Respond to Proposer Question
Upon release of the Final RFP by the City, the Consultant shall prepare Addenda to the RFP to respond to Proposer questions, and prepare for and participate in a Pre-Proposal Information Meeting and Site Visit. Up to five (5) Addenda shall be prepared to respond to Proposer questions.

TASK 13h: Proposal Review and Evaluation, Financial Analysis of Alternatives
The Consultant shall review and evaluate the technical and price proposals for In-City and Export options in accordance with the Proposal review process and evaluation criteria described in the Final RFP. The Consultant shall meet with City staff to discuss the preliminary review of Proposals, participate in interviews with the Proposers over a two day period, seek clarification to Proposals as needed from the Proposers, and complete a final review and recommend ranking of Proposals. In addition, the Consultant shall complete a financial analysis to compare the cost of the Proposals for In-City and Export options and compare the costs to continuing current practices or modified management practices with Green Waste for food scraps and yard trimmings. The results of the ARI review shall be summarized in a power point presentation. For purposes of this Work Scope, it has been assumed that up to six (6) Proposals will be received by the City.

The Consultant shall present a summary of the Proposals received and their evaluation at a public meeting. Information of a confidential nature, or that which may negatively impact contract negotiations, will not be presented. The summary presentation shall be made available for public review on the City’s web site.

TASK 13j: Presentation of Proposal Evaluation and Financial Analysis to City Council
The Consultant shall present to City Council a summary of the Proposal evaluation and financial analysis. The intent of this meeting is to seek City Council guidance regarding the selection of a preferred approach for management of food scraps, yard trimmings and biosolids, and a Preferred Proposer with whom to enter into contract negotiations. The summary presentation shall be posted on the City’s web site for public review.
## EXHIBIT “B”

SCHEDULE OF PERFORMANCE FOR ENERGY/COMPOST FACILITY ACTION PLAN RECOMMENDATIONS TO INCLUDE PREPARING PERFORMANCE SPECIFICATIONS, SURVEYING VENDORS, PREPARATION OF DRAFT AND FINAL RFP, RFP EVALUATION, AND FINANCIAL ANALYSIS OF PROPOSALS

<table>
<thead>
<tr>
<th>TASK</th>
<th>MILESTONE DESCRIPTION</th>
<th>COMPLETION NO OF WORKING MONTHS FROM NTP</th>
</tr>
</thead>
<tbody>
<tr>
<td>13a</td>
<td>Finalize Project Concepts, Goals and Performance Specifications</td>
<td>6</td>
</tr>
<tr>
<td>13b</td>
<td>Public Review of Project Concepts, Goals and Performance Specifications</td>
<td>3-4</td>
</tr>
<tr>
<td>13c</td>
<td>Prepare CEQA Checklist</td>
<td>4</td>
</tr>
<tr>
<td>13d</td>
<td>Request for Proposals (RFP) for In-City and Export Options</td>
<td>7</td>
</tr>
<tr>
<td>13e</td>
<td>Public Review of Draft RFP</td>
<td>5</td>
</tr>
<tr>
<td>13f</td>
<td>Presentation of Final RFP to City Council</td>
<td>7</td>
</tr>
<tr>
<td>13g</td>
<td>Release Final RFP, Respond to Proposer Question</td>
<td>7-Release RFP 13-Last Response</td>
</tr>
<tr>
<td>13h</td>
<td>Proposal Review and Evaluation, Financial Analysis of Alternatives</td>
<td>14-Start 19-Finish</td>
</tr>
<tr>
<td>13j</td>
<td>Presentation of Proposal Evaluation and Financial Analysis to City Council</td>
<td>20</td>
</tr>
</tbody>
</table>
EXHIBIT “C” (Page 1 of 2)

COMPENSATION

The CITY agrees to compensate the CONSULTANT for professional services performed in accordance with the terms and conditions of this Agreement, and as set forth in the budget schedule below. Compensation shall be paid to the CONSULTANT on a Not To Exceed basis for preparing performance specifications, surveying vendors, preparing a draft and final RFPs for an Energy/Compost Facility, evaluating the RFPs, and performing a financial analysis of the RFP costs.

The compensation to be paid to CONSULTANT under this Agreement for all services described in Exhibit “A” (Amendment No. 2) including the reimbursable expenses shall not exceed $263,840 for a total contract total not to exceed $517,682. CONSULTANT agrees to complete all Tasks, including reimbursable expenses, within this amount. In the event CITY authorizes any Additional Services, the maximum compensation shall not exceed $290,224 or ten percent (10%) of the total contract amount. Any work performed or expenses incurred for which payment would result in a total exceeding the maximum amount of compensation set forth herein shall be at no cost to the CITY.
CONSULTANT shall perform the tasks and categories of work as outlined and budgeted below. The CITY’s project manager may approve in writing the transfer of budget amounts between any of the tasks or categories listed below provided the total compensation for the tasks, including reimbursable expenses and add alternates, does not exceed $263,840 and the total compensation for Additional Services does not exceed $290,224 for Amendment No. 2 and $517,682 for the total contract.
FEES

RESPOND TO PUBLIC QUESTIONS/INQUIRIES ON FINAL FEASIBILITY STUDY; ASSIST CITY IN DETERMINING AN ACTION PLAN FOR AN AD FACILITY FOLLOWING THE PASSAGE OF MEASURE E

<table>
<thead>
<tr>
<th>TASK</th>
<th>DESCRIPTION</th>
<th>NOT TO EXCEED FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORIGINAL CONTRACT FEES – AUGUST 5, 2010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 - 9</td>
<td>Workplan, Feasibility Study, Environmental Review, Project Management</td>
<td>$171,858</td>
</tr>
<tr>
<td>10</td>
<td>Additional Services (Not to Exceed)</td>
<td>$18,000</td>
</tr>
<tr>
<td></td>
<td>Reimbursable expenses</td>
<td>$7,900</td>
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<tr>
<td></td>
<td>TOTAL NOT TO EXCEED FEE – ORIGINAL CONTRACT</td>
<td>$197,758</td>
</tr>
<tr>
<td>CONTRACT AMENDMENT NO. 1 FEES – DECEMBER 2011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 - 12</td>
<td>Respond to public comments from final feasibility study and revise PowerPoint Presentation; Develop Action Plan</td>
<td>$22,750</td>
</tr>
<tr>
<td></td>
<td>Estimated reimbursable expenses</td>
<td>$4,250</td>
</tr>
<tr>
<td></td>
<td>TOTAL NOT TO EXCEED FEE for all Tasks</td>
<td>$27,000</td>
</tr>
<tr>
<td></td>
<td>Additional Services (10% of all Tasks)</td>
<td>$2,700</td>
</tr>
<tr>
<td></td>
<td>TOTAL NOT TO EXCEED FEE (Contract Amendment No.1)</td>
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</tr>
<tr>
<td>CONTRACT AMENDMENT NO. 2 FEES – May 2012</td>
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<td></td>
</tr>
<tr>
<td>13a</td>
<td>Finalize Project Concepts, Goals and Performance Specifications</td>
<td>$23,808</td>
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<tr>
<td>13b</td>
<td>Public Review of Project Concepts, Goals and Performance Specifications</td>
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<tr>
<td>13c</td>
<td>Prepare CEQA Checklist</td>
<td>$25,256</td>
</tr>
<tr>
<td>13d</td>
<td>Request for Proposals (RFP) for</td>
<td>$93,366</td>
</tr>
<tr>
<td>Task</td>
<td>Description</td>
<td>Fee</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>13e</td>
<td>Public Review of Draft RFP</td>
<td>$4,320</td>
</tr>
<tr>
<td>13f</td>
<td>Presentation of Draft and Final RFP to City Council</td>
<td>$5,960</td>
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<tr>
<td>13g</td>
<td>Release Final RFP, Respond to Proposer Question</td>
<td>$18,824</td>
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<tr>
<td>13h</td>
<td>Proposal Review and Evaluation, Financial Analysis of Alternatives</td>
<td>$62,378</td>
</tr>
<tr>
<td>13i</td>
<td>Public Review of Proposal Evaluation and Financial Analysis</td>
<td>$6,552</td>
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<tr>
<td>13j</td>
<td>Presentation of Proposal Evaluation and Financial Analysis to City Council</td>
<td>$5,096</td>
</tr>
</tbody>
</table>

Estimated reimbursable expenses: $14,140

**TOTAL NOT TO EXCEED FEE for all Tasks**: $263,840

**Additional Services (10% of all Tasks)**: $26,384

**TOTAL NOT TO EXCEED FEE (Contract Amendment No. 2)**: $290,224

**TOTAL NOT TO EXCEED FEE (Contract Amendment No. 1)**: $29,700

**TOTAL NOT TO EXCEED FEE - ORIGINAL CONTRACT Additional Services - ORIGINAL CONTRACT**: $197,758

**TOTAL NOT TO EXCEED FEE for all Tasks and Additional Services**: $517,682
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
AMENDING THE REFUSE FUND BUDGET FOR FISCAL YEAR
2013 TO PROVIDE ADDITIONAL APPROPRIATION OF
$174,157 FOR IMPLEMENTATION OF AN ACTION PLAN AND
TIMELINE FOR CONSIDERATION OF AN ENERGY/COMPOST
FACILITY

The Council of the City of Palo Alto does ordain as follows:

SECTION 1. The Council of the City of Palo Alto finds and
determines as follows:

A. Pursuant to the provisions of Section 12 of Article
III of the Charter of the City of Palo Alto, the Council on
June 18, 2012 did adopt a budget for Fiscal Year 2013; and

B. On August 5, 2010, the Council authorized the City
Manager to enter into a contract for $197,758 with Alternative
Resources, Inc. to conduct a feasibility study for an
energy/compost facility (CMR 333:10); and

C. On February 6, 2012 the Council authorized the City
Manager to amend the contract with Alternative Resources, Inc.
for $29,700 for development of an action plan and timeline for
an energy/compost facility (Staff Report 2361); and

D. An additional contract amendment is authorized in the
amount of $290,224 with the Refuse Fund, Wastewater Treatment
Fund, and Electric Fund each funding the amendment
proportionally; and

E. The Refuse Fund’s portion is sixty percent or
$174,157; and

F. The Electric Fund’s portion is ten percent or
$29,000; and

G. The Wastewater Treatment Fund’s portion is thirty
percent or $87,067; and

H. No budget action is needed for the Electric Fund or
Wastewater Treatment Fund. City Council authorization is
needed to amend the 2013 Refuse Fund operating budget as
hereinafter set forth.
SECTION 2. The sum of One Hundred Seventy-Four Thousand One Hundred Fifty-Seven Dollars ($174,157) is hereby appropriated to Contract Services in the Public Works Department and the Refuse Fund Operating Reserve is correspondingly reduced.

SECTION 3. The Refuse Fund Operating Reserve is hereby reduced to One Million One Hundred Forty-Five Thousand Eight Hundred Forty-Three Dollars ($1,145,843).

SECTION 4. As specified in Section 2.28.080(a) of the Palo Alto Municipal Code, a two-thirds vote of the City Council is required to adopt this ordinance.

SECTION 5. As provided in Section 2.04.330 of the Palo Alto Municipal Code, this ordinance shall become effective upon adoption.

SECTION 6. The Council of the City of Palo Alto hereby finds that this is not a project under the California Environmental Quality Act and, therefore, no environmental impact assessment is necessary.

INTRODUCED AND PASSED:

AYES: 
NOES: 
ABSTENTIONS: 
ABSENT: 
ATTEST: 
APPROVED: 

______________________________  ______________________________
City Clerk                          Mayor

APPROVED AS TO FORM:

______________________________  ______________________________
City Manager                      Director of Public Works

______________________________  ______________________________
Director of Administrative
Services
To: Mayor Yeh and Members of the Palo Alto City Council  
Date: June 26, 2012  
Re: Another ARI Anaerobic Digester Study

Dear Mayor Yeh and Council Members:

I urge you to postpone the funding of another $230,000 ARI study for a possible anaerobic digester.

As you are all aware, the fate of Measure E is still not decided. A lawsuit was filed questioning the validity of Measure E. The judgment is not expected until the middle of September, 2012.

To date the city has spent almost $2,000,000 in an attempt to find a feasible anaerobic digester process. The last ARI study showed that it would cost more than $200,000,000 to construct and operate this unproven facility for the next 20 years. Funding for such an risky process with such little result is also probably unlikely.

The City ought to do everything it can to meet its obligation to the State to close the landfill operation as quickly as possible and to prepare the resulting land to become the park and open space that was promised to both the State and the public. What Measure E has done is create a totally chaotic situation wherein the City’s staff has to guess what needs to be done, to which part of the park, and when.

It is imprudent to continue pouring money into a project that might prove to be illegal. The City does not have to act now and can wait a minimum time to make such a critical decision.

Sincerely,

Enid Pearson, former City Council Member and Chair of Save the Baylands Committee
Dear City Council:

I urge you to continue this agenda item until after the court makes a decision in the lawsuit filed by Tom Jordan to invalidate the election for Measure E that appeared on last November's ballot. (Santa Clara County Court Case No. 1-11-214483).

The court case will be fully briefed no later than August 23, 2012; a hearing will be held shortly after that; and the court's decision will be made no later than sixty days after the hearing and, possibly, as early as the hearing date.

I believe it makes sense to wait the few months until the court rules, before authorizing additional expenses to pursue a project that is estimated to cost $100,000,000.

Should the trial court uphold the validity of Measure E, I see no reason to ask for any further delay while any appeals of the trial court's decision are pending.

Thank you for your consideration of these comments.

Sincerely,

Herb Borock
Gonsalves, Ronna

From: Emily Renzel <marshmama2@att.net>
Sent: Tuesday, June 26, 2012 8:49 PM
To: Council, City
Subject: Don't vote for ARI $ and timeline
Attachments: 7212 city council letter.pages; ATT00001.htm; Measure E Options Maps.pdf; ATT00002.htm

Pasted in below and also attached are my comments. Emily
June 27, 2012

Dear Mayor Yeh and Members of the City Council:

The passage of Measure E has created a very complicated situation for the proper closure of the landfill and creation of Byxbee Park. The strategic plan and timeline that you are being asked to approve on July 2 shows that you will have to make a determination in January 2013 about excavating all or part of the 10 acre site and dumping it on the remaining unopened 51 acres of Byxbee Park. This is long before you have the results of the Request for Proposals.

This is a travesty! As far as I can tell, the plans for dumping on Byxbee Park meet minimum requirements of the State for landfills, but do not address impacts on the design of the Park. No time is in the schedule for Site and Design Review by the Planning and Transportation Commission or the Parks Commission.

This is all being done to try to make the Anaerobic Digester Project more feasible. It costs about $5 million to dump the excavated garbage on the park and $10 million to haul it to another approved landfill. Not only should the 10 acre parcel excavations be taken to another landfill, but the transition from the Park to the 10 acre site should be done within the 10 acre site, NOT on the Park. A 20 foot cliff is not appropriate adjacent to the Park.

During the election, I was accused by Peter Drekmeier of using Karl Rove tactics when I said that almost 3.5 million cubic feet (122,000 cubic yards) of old garbage would have to be disposed of on the remaining Park. Well, I was wrong! It is over 6.5 million cubic feet (242,600 cubic yards) that will be dumped on the Park. Attached are the various disposal scenarios that use the 51 acre Park. You can readily see that these have massive impacts—either creating more inaccessible slopes or raising the Park elevation to 80' from its current 60' maximum height.
I do not yet have the complete Staff Report, but it is clear that you are being asked to spend another $290,224 to pursue a Request for Proposals on the 10 acre site and to make other significant decisions related to the site before you have any true cost figures, before the lawsuit is resolved, and before you know how much land vendors actually need. The Feasibility Study used for the election assumed:

1. That 20,000 tpy of food waste would be processed here. We don’t even have a residential food waste collection system at the present time.

1. That there is a $30/ton carbon offset. That is a comparison method, but it is not real dollars to pay for the project. Those dollars will have to be charged to the ratepayers.

1. Grants for 15% of the capital costs.

1. That nearby markets exist for food waste compost and biosolids compost. They do not. No one will buy biosolids compost without extensive and expensive heat treatment. Farmers will not use Food waste compost.

1. No rent for land previously valued at over $100,000/acre rent. That is contrary to the Enterprise Fund policy of recovering fair market value rent for use of General Fund assets.

The source of the money for this budget amendment has not been identified but presumably it will ultimately come from Palo Alto ratepayers. It’s not coincidental that this budget amendment is coming to you in the 2012-13 fy. Otherwise you would have had to raise refuse rates even higher this year.

By approving the Budget amendment, the strategic plan, and the timeline, you are setting yourselves up for all sorts of crazy decision-making with inadequate information, inadequate environmental review, and novel technologies.

Please defer a decision on this matter until the questions raised above have been resolved.

Sincerely,

Emily M. Renzel, Coordinator
Baylands Conservation Committee

P.S. I’m sure I’ll have more to say once I see the Staff Report.
### LEGEND

- **Limit of Landfill**
- **Limit of Proposed Building Pad**
- **Final Cover Grading**
- **Merged Topography (Note 1)**
- **Area of Building Pad Located Over Landfill**
- **Cover Grades Higher Than 2009 Final Grading Plan**

### NOTES

1. Based on merged surface of 2009 final grading plan and May 3, 2010 topography surveyed by HJW Geospatial, Inc.
2. Additional refuse disposal above 2009 final grading plan is approximately 242,400 CY.

### REVISED FINAL COVER GRADING PLAN

**10-Acre Option**

<table>
<thead>
<tr>
<th>Grading Item</th>
<th>Excavation Vol. (cy)</th>
<th>Fill Vol. (cy)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume difference between top of pad and merged surface of 2010 topography and 2009 permitted cover grades</td>
<td>214,600</td>
<td>41,750</td>
<td>Includes over-excavation for retaining wall. Does not include over-accrual of pad floor. Assume 200,000 cy refuse and 15,000 cy soil cover.</td>
</tr>
<tr>
<td>Pad floor over-excavation</td>
<td>40,550</td>
<td>40,550</td>
<td>Assume 6-foot over-excavation of refuse and backfill with soil to establish working surface.</td>
</tr>
<tr>
<td>Total over-excavation</td>
<td>245,150</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total soil import</td>
<td></td>
<td></td>
<td>82,300</td>
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</tbody>
</table>
FIGURE 2
ALTERNATIVE FINAL COVER GRADING PLAN
10-AC DEVELOPMENT AREA
MEASURE "E" ENERGY/COMPOST FACILITY OPTIONS
PALO ALTO LANDFILL

LEGEND

- - LIMIT OF LANDFILL
- - LIMIT OF PROPOSED BUILDING PAD
---20--- FINAL COVER GRADING

MERGED TOPOGRAPHY (NOTE 1)
APPROXIMATE AREA OF BUILDING PAD LOCATED OVER LANDFILL COVER GRADES HIGHER THAN 2009 FINAL GRADING PLAN

NOTES

1. BASED ON MERGED SURFACE OF MAY 3, 2010 TOPOGRAPHY AND 2009 FINAL GRADING PLAN.

2. ADDITIONAL REFUSE DISPOSAL ABOVE 2009 FINAL GRADING PLAN IS APPROXIMATELY 245,700 CY.
LEGEND

- - - LIMIT OF LANDFILL
- - - LIMIT OF PROPOSED BUILDING PAD
- - - FINAL COVER GRADING

MERGED TOPOGRAPHY (NOTE 1)

APPROXIMATE AREA OF BUILDING PAD LOCATED OVER LANDFILL

COVER GRADES HIGHER THAN 2009 FINAL GRADING PLAN

NOTES

1. BASED ON MERGED SURFACE OF MAY, 3 2010 TOPOGRAPHY AND 2009 FINAL GRADING PLAN.
2. ADDITIONAL REFUSE DISPOSAL ABOVE 2009 FINAL GRADING PLAN IS APPROXIMATELY 71,000 CY.

FIGURE 3
REVISED FINAL COVER GRADING PLAN
7-AC DEVELOPMENT AREA
MEASURE "E" ENERGY/COMPOST FACILITY OPTIONS
PALO ALTO LANDFILL
1. BASED ON MERGED SURFACE OF MAY, 3 2010 TOPOGRAPHY AND 2009 FINAL GRADING PLAN.

2. ADDITIONAL REFUSE DISPOSAL ABOVE 2009 FINAL GRADING PLAN IS APPROXIMATELY 70,000 CY.
**Grading Item**

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<tr>
<th>Volume Difference Between Top of Retaining Wall and 2009 Final Grading Plan</th>
<th>Excavation (cy)</th>
<th>Fill Vol. (cy)</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>Retaining Wall (10.5-FEET HIGH)</td>
<td>34,150</td>
<td>22,150</td>
<td>Includes site excavation for retaining wall. Does not include over-excavation of pad floor. Assumes 12,409-cy refuse and 1,359 cy cell cover.</td>
</tr>
<tr>
<td>Pad floor over-excavation</td>
<td>10,000</td>
<td>10,000</td>
<td>Assume 4-foot over-excavation of refuse and basefill with cell for seed/soil seeding surface.</td>
</tr>
<tr>
<td>Total Excavation</td>
<td>22,450</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Total Fill Import</td>
<td>-</td>
<td>32,150</td>
<td></td>
</tr>
</tbody>
</table>

**Notes**

2. Additional refuse disposal above 2009 Final Grading Plan is approximately 33,300 CY.

**Figure 5**

REVISED FINAL COVER GRADING PLAN
5.4-AC DEVELOPMENT AREA
MEASURE "E" ENERGY/COMPOST FACILITY OPTIONS
PALO ALTO LANDFILL
1. BASED ON MERGED SURFACE OF MAY 3 2010 TOPOGRAPHY AND 2009 FINAL GRADING PLAN.

2. ADDITIONAL REFUSE DISPOSAL ABOVE 2009 FINAL GRADING PLAN IS APPROXIMATELY 0 CY.