

File No. 180646

Committee Item No. 11

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: November 1, 2018

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Det -</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PORT Letter - September 17, 2018</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SF Environment Presentation - September 17, 2018</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referrals</u> |

Prepared by: John Carroll

Date: October 26, 2018

Prepared by: _____

Date: _____

1 [Environment Code - Refuse Separation Compliance]

2
3 **Ordinance amending the Environment Code to require audits every ~~30 months~~three**
4 **years of large refuse generators for compliance with refuse separation requirements; to**
5 **establish enforcement measures applicable to large refuse generators found**
6 **noncompliant; and affirming the Planning Department's determination under the**
7 **California Environmental Quality Act.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Environmental Findings.

17 The Planning Department has determined that the actions contemplated in this
18 ordinance comply with the California Environmental Quality Act (California Public Resources
19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
20 Supervisors in File No. 180646 and is incorporated herein by reference. The Board affirms
21 this determination.

22 Section 2. Findings.

23 (a) The San Francisco Board of Supervisors adopted the Mandatory Recycling and
24 Composting Ordinance #100-09 that became operative as Chapter 19 of the Environment
25 Code in October 2009. Section 1903 requires that all persons source separate their refuse

1 into recyclables, compostables and trash, and refrain from mixing those material refuse
2 streams in collection containers designated for another type of refuse. Section 1904 provides
3 requirements for owners and managers of multifamily or commercial properties to provide
4 adequate refuse service and effective source separation, including working with on-site
5 janitors, to achieve compliance with the source separation requirement.

6 (b) Chapter 19 has led to the provision of adequate refuse service at 99% of San
7 Francisco properties. But the Department of Environment has nevertheless found that 60% of
8 all disposed material from the City is recyclable or compostable. San Francisco must address
9 this gap in waste diversion if it is to achieve its adopted goal of zero waste.

10 (c) While source separation must improve across all sectors and property types,
11 buildings that generate large amounts of refuse—including multifamily, multi-tenant
12 commercial, and mixed-use properties, and those with roll-off refuse compactors—contribute
13 significantly to refuse contamination, subsequent loss in recovery of recyclables/
14 compostables, and reduced ability to process and market these materials. When audited,
15 large refuse generators are often found to have significant refuse cross-contamination of
16 recyclable and compostable materials in their trash designated for landfill. These large refuse
17 generators face unique compliance challenges, and also present unique regulatory
18 challenges, because contamination is difficult to identify in large-volume refuse containers and
19 in refuse that has been compacted.

20 (d) At least 85 large commercial or multifamily refuse collection accounts in San
21 Francisco are currently engaging the onsite services of persons or entities known as Zero
22 Waste Facilitators to help sort and manage refuse for proper separation and placement in
23 designated collection containers.

24 (e) Zero Waste Facilitators have helped these accounts improve compliance with
25 Chapter 19, achieve refuse rate discounts, and contribute to improved waste diversion

1 Citywide. A detailed analysis of the results from 9 accounts that employ Zero Waste
2 Facilitators found that on average, these accounts reduced trash service by 66%, increased
3 their recycling and composting by over 150%, increased diversion by 30%, up to an average
4 75% diversion rate, and procured refuse rate discounts resulting in a net cost savings of 25%.

5 (f) Compliance with San Francisco's source separation mandate requires a sustained
6 commitment and, especially for large refuse generators, a robust source separation system.
7 Many large refuse generators have achieved significant progress in developing and executing
8 such systems through voluntary engagement of Zero Waste Facilitators.

9 (g) Heightened enforcement aimed at identifying compliance problems for large refuse
10 generators, coupled with a mandate to dedicate resources to sustainable solutions to these
11 problems, is critical to a zero-waste San Francisco.

12
13 Section 3. The Environment Code is hereby amended by revising Section 1902, as
14 follows:

15 (a) Each subsection letter accompanying each defined term in Section 1902 (i.e.,
16 subsection letters (a)-(z)) is deleted.

17 (b) The following definitions of terms are added to Section 1902 and placed therein
18 among the defined terms in correct alphabetical position:

19 "Audit" means a thorough and systematic visual inspection of the contents of refuse collection
20 container(s) upon their removal from the container that results a finding of the approximate
21 percentages of contaminants or materials not appropriate for that type of container (i.e., recyclables,
22 compostables, or trash).

23 "Large Refuse Generator" means a commercial property refuse account holder, or a City-
24 owned and operated facility, that has roll-off compactor service or generates 30 cubic yards or more of
25

1 uncompacted refuse per week. Where a roll-off or other compactor is used, the volume of compacted
2 refuse shall be multiplied times three to account for its compaction.

3 “Zero Waste Facilitator” means a person or entity serving exclusively in the business of and
4 with demonstrated capacity to manage refuse materials within a given property, including material
5 sorting and transfer, and who meets criteria as may be specified in regulations promulgated by the
6 Director, to achieve proper refuse source separation in compliance with this Chapter 19.

7
8 Section 3. The Environment Code is hereby amended by revising Sections 1906,
9 1908, and 1909, to read as follows:

10 **SEC. 1906. REQUIREMENTS FOR REFUSE COLLECTORS, TRANSFER**
11 **STATIONS, AND PROCESSING FACILITIES.**

12 (a) All collectors must appropriately designate the collection containers they provide to
13 customers for source separation of recyclables, compostables, and trash. The containers
14 must:

15 (1) Bear appropriate signage that allows users to clearly and easily identify
16 which containers to use for recyclables, compostables, or trash;

17 (2) Be color-coded:—blue for recyclables, green for compostables, and black
18 for trash; and,

19 (3) Bear the name of the collector to whom the container belongs.

20 (b) (1) If a collector finds materials that are not the correct type as designated for
21 that container, such as recyclables or compostables in a trash container, or trash in a
22 compostables or recyclables container, the collector then must leave a tag on the container
23 identifying the incorrect materials.

24 (2) If the collector continues to find incorrect materials in a collection container
25 after the collector has left a previous tag for that customer and that type of container, the

1 collector must leave another tag on the container identifying the incorrect materials and send
2 a written notice to the person who subscribes for that collection service.

3 (3) If the collector continues to find incorrect materials in a collection container
4 after the collector has already left two or more tags for that customer and that type of
5 container, the collector may refuse to empty the container, subject to California Code of
6 Regulations Title 14, Section 17331, or as determined by the Director of Public Health or his
7 or her designee. If the container is not emptied, the collector must leave a tag and send a
8 written notice to the person who ~~subscribers~~ subscribes for the collection service, identifying the
9 incorrect materials and describing what action must be taken for the materials to be collected;
10 provided, however, that a collector may not refuse on this basis to empty containers from
11 multifamily or commercial properties with multiple tenants and joint account collection service.

12 (4) The collector shall, upon request, provide to the Director a list of the names
13 and addresses of those persons who have received tags or notices or whose containers have
14 not been emptied due to non-compliance with this Chapter 19, or copies of the tags or notices
15 issued by the collector. The collector shall also provide to the Director, upon request, a list of
16 the names, addresses, and service levels of the collector's customers and any additional
17 information required by the Director.

18 (c) Periodic Large Refuse Generator Audits. The Director or collector shall complete an
19 Audit of every Large Refuse Generator for compliance with this Chapter 19 not less than once every
20 thirty monthsthree years.

21 (d) Audit Findings. The Director shall find that a Large Refuse Generator is out of
22 compliance with this Chapter 19 pursuant to an Audit of the contents of its collector-serviced refuse
23 collection containers, if materials are found that do not belong in a designated collection container and
24 are at a contamination level that either significantly impacts the ability to process and market the
25 materials, or results in the significant loss of compostables or recyclables found in a collection

1 container. The report for each failed audit shall include photographs of the contamination and a
2 description of how the contamination exceeds the Director's compliance threshold. Guidelines for the
3 contamination threshold for Large Refuse Generators' compliance with this Chapter 19 shall be set
4 and maintained by the Director based on market conditions and processing capabilities, and as needed
5 to meet the City's progress toward zero-waste benchmarks. The Director shall review and revise these
6 guidelines on an annual or more frequent basis as needed in furtherance of the objectives of this
7 Chapter.

8 (e) **Notice of Noncompliance and Order to Comply.** Upon a finding of noncompliance under
9 Sec. 1906(d), the Director shall promptly issue to the Large Refuse Generator a notice of
10 noncompliance and order to comply ("notice and order").

11 (1) The notice and order shall state the provision(s) of this Chapter 19 with which the
12 Large Refuse Generator has failed to comply, the specific Audit findings underlying this
13 determination, and contact information for communications required by this Chapter. The
14 notice and order shall also include a copy of the relevant provisions of this Chapter and related
15 regulations.

16 (2) The notice and order shall state the requirements and 4560-day deadline in Section
17 1906(f), and prescribe an adequate capacity of Zero Waste Facilitator(s) based on the Audit
18 findings and in accordance with regulations.

19 (3) The notice and order may also mandate additional remedial steps and a timeline for
20 response and/or compliance as the Director deems appropriate, in his or her lawful discretion
21 and in furtherance of the objectives of this Chapter 19.

22 (f) **Zero Waste Facilitator Requirement.** A Large Refuse Generator who fails an Audit under
23 Section 1906(c) must, within 4560 days of receipt of a Director's notice and order, and for a duration
24 of a minimum of 24 consecutive months, designate staff or otherwise engage person(s) whose exclusive
25 function is to serve as Zero Waste Facilitator(s). Such person(s) must meet minimum criteria, and be

1 engaged at sufficient capacity to address the Audit findings, in accordance with regulations
2 promulgated by the Director and as specified in the Director's notice and order. The Large Refuse
3 Generator must notify the Director in writing by the 4560-day deadline of its plan for compliance, and
4 include supporting documentation, as described in regulations. The Large Refuse Generator shall be
5 subject to a follow-up Audit upon expiry of the 24-month period if no earlier compliance Audit is
6 conducted. The Director or collector shall conduct inspections, monitor compliance with the notice
7 and order, and pursue enforcement in the intervening period, as permitted under this Chapter 19.

8 (g) **Compliance Audits.** Notwithstanding the 24-month requirement described in Section
9 1906(f), after 12 consecutive months of compliance with all aspects of a notice and order issued under
10 Section 1906(e), a Large Refuse Generator may request a follow-up Audit to demonstrate compliance.
11 Such compliance Audits shall be conducted at the Large Refuse Generator's own expense. A Large
12 Refuse Generator that has failed its most recent Audit must provide sufficient evidence of remediation
13 efforts alongside a request for a compliance Audit. Provided these requirements are met, the Director
14 or collector shall complete a requested compliance Audit within a reasonable time frame. No Large
15 Refuse Generator is entitled to more than three Audits per collection container in a single 365-day
16 period. Where the Large Refuse Generator passes a compliance Audit and has implemented mandated
17 remedial measures, the Director shall issue an order finding compliance and resolving the underlying
18 notice and order. Where the Large Refuse Generator fails a compliance Audit, the Director may order
19 additional remedial measures and/or administrative penalties in accordance with Section 1906(h).

20 (h) **Enforcement of Notices of Noncompliance and Orders to Comply, and Audit Failure.**
21 The Director may impose an administrative penalty of up to \$1000 for each violation of any aspect of a
22 Director's order issued to a Large Refuse Generator under this Chapter 19. Each day of continued
23 noncompliance may constitute a separate violation. The Director may hold such imposed
24 administrative penalties in abeyance, pending completion of ordered remedial steps or based on other
25

1 conditions, in accordance with his or her lawful discretion and in furtherance of the objectives of this
2 Chapter 19.

3 ~~(e)~~(i) Within 90 days of the end of each calendar year, each collector must submit to
4 the Department, on a form specified by the Director, an annual report of all tons collected by
5 material type and to whom the material was sent.

6 (j) Upon one year from the operative date of this ordinance the ordinance in Board File No.
7 180646 and annually thereafter, the Director shall report to the Board of Supervisors on notices and
8 orders issued to Large Refuse Generators under this Chapter 19 within the prior 12-month period.

9 ~~(d)~~(k) No person may deliver recyclables or compostables, including those mixed with
10 trash, to a landfill or transfer station for the purpose of having those materials landfilled,
11 except as follows:

12 (1) A collector may drop off recyclables or compostables at the San Francisco
13 transfer station for landfill if the transfer station has agreed to provide to the Director, upon
14 request, audits of collection vehicles for a specified period going forward in time. The transfer
15 station's audit shall report the quantity of recyclables or compostables, stated as estimated
16 tons per load or as a percentage of the loads, deposited at the transfer station by collection
17 vehicles specifically identified in the request over a reasonable period of time occurring after
18 the request.

19 (2) A processing facility that sorts and reconstitutes recyclables for the purpose
20 of using the altered form in the manufacture of a new product or turns compostables into
21 usable and marketable compost (e.g., soil-conditioning) material may send to a landfill a minor
22 portion of those materials that constitutes unmarketable processing residuals, if the
23 processing facility provides to the Director, upon request, audits of specific collection vehicles
24 for a specific period going forward in time, of the quantities of recyclables or compostables
25 sent to the landfill from the processing facility.

1 (e)(1) No person may deliver trash from the city, including trash mixed with recyclables
2 or compostables, to a processing facility, unless the processing facility has agreed to provide
3 to the Director, upon request, audits of collection vehicles for a specified period going forward
4 in time. The processing facility's audit shall report the quantity of trash, stated as estimated
5 tons per load or as a percentage of the loads, deposited at the processing facility by collection
6 vehicles specifically identified in the request over a reasonable period of time occurring after
7 the request.

8
9 **SEC. 1908. ENFORCEMENT.**

10 (a) The Director ~~and his or her designee~~ may administer all provisions of this Chapter 19
11 and enforce those provisions by any lawful means available for such purpose, *including*
12 *through imposition of administrative penalties for violations of those provisions of this Chapter, or of*
13 *rules and regulations adopted pursuant to this Chapter,* except as otherwise provided in this
14 Chapter.

15 (b) To the extent permitted by law, the Director ~~and collectors~~ may inspect any
16 collection container, collection vehicle load, or receiving facility, *including back-of-house*
17 *facilities, and the Director may also inspect internal facilities, front-of-house bins, or refuse chute*
18 *rooms, for collected trash, recyclables, or compostables, and proper separation thereof, to enforce*
19 *this Chapter 19.*

20 (c) Except as otherwise provided in this Chapter 19, the Director of the Department of
21 Public Health or his or her designee may impose administrative fines for violations of those
22 provisions of this Chapter, or of rules and regulations adopted pursuant to this Chapter, that
23 pertain to the jurisdiction of the Department of Public Health.

24 (d) Except as otherwise provided in this Chapter 19, the Director of Public Works or
25 his or her designee may impose administrative fines for violations of those provisions of this

1 Chapter, or of any rule or regulation adopted pursuant to this Chapter, that pertain to the
2 jurisdiction of the Department of Public Works.

3 (e) *San Francisco* Administrative Code Chapter 100, "Procedures Governing the
4 Imposition of Administrative Fines," as amended, is hereby incorporated in its entirety and
5 shall govern the imposition, enforcement, collection, and review of administrative citations *and*
6 *penalties* issued to enforce this Chapter 19 and any rule or regulation adopted pursuant to this
7 Chapter; provided, however, that:

8 (1) The Director of Public Works or the Director of Public Health may adopt
9 regulations providing for lesser penalty amounts than those provided in Administrative Code
10 Section 100.5;

11 (2) The fine for any violation at a dwelling or commercial property that
12 generates less than one cubic yard of refuse per week may not initially exceed \$100; and

13 (3) The Director may impose administrative penalties as set forth in Section 1906(h).
14 ~~No person who is the owner, tenant, manager, employee, contractor, or visitor of a multifamily or of a~~
15 ~~multi-tenant commercial property shall be subject to fines or penalties for violation of Section 1903~~
16 ~~(but will remain subject to such enforcement for violations of section 1904 and other sections of the~~
17 ~~Ordinance), unless and until the Director of the Department of the Environment has adopted specific~~
18 ~~regulations setting out the liability of such persons. The Director shall not adopt such regulations prior~~
19 ~~to July 1, 2011.~~

20 (f) The *City Department* shall use administrative penalties collected under this Chapter
21 19, including recovery of enforcement costs, to fund implementation and enforcement of this
22 Chapter. Remedies under this Chapter are in addition to and do not supersede or limit any
23 and all other remedies, civil or criminal.

24
25 **SEC. 1909. FORMS, REGULATIONS AND GUIDELINES.**

1 (a) After public notice and a public hearing, the Director may adopt necessary forms,
2 and regulations, ~~and guidelines~~ to implement this Chapter.

3 (b) The Department shall provide assistance regarding compliance with this Chapter.

4 (c) The Department shall provide information on its website regarding what materials
5 are accepted as recyclables, compostables, and trash under this Chapter.

6
7 Section 4. Effective and Operative Dates.

8 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
9 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
10 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
11 Mayor's veto of the ordinance.

12 (b) This ordinance shall become operative on ~~January~~ July 1, 2019.

13
14 Section 5. Scope of Ordinance. Except as stated in Section 2, in enacting this
15 ordinance, the Board of Supervisors intends to amend only those words, phrases,
16 paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or
17 any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as
18 additions, deletions, Board amendment additions, and Board amendment deletions in
19 accordance with the "Note" that appears under the official title of the ordinance.

20
21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:


25 NEHA GUPTA
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 9/17/2018)

[Environment Code - Refuse Separation Compliance]

Ordinance amending the Environment Code to require audits every three years of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Chapter 19 of the Environment Code requires source separation of refuse into recyclables, compostables, and trash, and mandates subscription to refuse collection service. Chapter 19 sets forth requirements for owners or managers of multifamily and commercial buildings, and food vendors and events, to provide their tenants, employees, contractors, and/or customers with access to refuse containers and training on source separation. It also sets forth standards for refuse collectors, transfer stations, and processing facilities related to tagging refuse containers of noncompliant customers, and delivery and acceptance of refuse materials. Chapter 19 provides for inspections, administrative enforcement, and issuance of administrative penalties by various Departments for noncompliance. It incorporates Administrative Code Section 100, governing the imposition, enforcement, and appeal of administrative citations, in its entirety, except as otherwise provided in Chapter 19.

Amendments to Current Law

This ordinance would establish additional refuse separation compliance and enforcement measures applicable to large refuse generators and administered by the Director of the Department of Environment and his or her designees. Large refuse generators are defined as commercial property refuse account holders and City-owned and operated facilities that have roll-off compactor service, or generate 30 cubic yards or more of refuse per week. Large refuse generators would be subject to visual inspection audits of their refuse not less than every three years. The Director of the Department of Environment would issue to those large refuse generators found noncompliant a notice and order to comply.

This ordinance would require such noncompliant large refuse generators to appoint or otherwise engage staff or contractors whose exclusive function is to serve as zero waste facilitators, for a minimum of 24 consecutive months, upon receiving a Director's notice and order. A zero waste facilitator is a person in the business of and with experience managing refuse material sorting and transfer, who must also meet criteria set by the Director of the Department of Environment. After 24 consecutive months of compliance with the Director's notice and order, a large refuse generator would be subject to a follow-up audit. A finding of compliance at this audit would result in a Director's order lifting the prior notice and order,

while failure of a compliance audit could result in additional mandated remedial steps and/or imposition of administrative penalties.

Notwithstanding the 24-month minimum requirement for engagement of zero waste facilitator(s), a large refuse generator who has engaged zero waste facilitator(s) for 12 consecutive months and taken all other ordered remedial steps may request a compliance audit from the Department of Environment at its own expense. Under this ordinance, the Director of the Department of Environment would have authority to impose, and hold in abeyance at his or her lawful discretion, administrative penalties at a maximum of \$1000 per violation of each aspect of a Director's order. Each day of continued noncompliance may constitute a separate violation.

This ordinance's operative date would be July 1, 2019.

Background

This legislation reflects amendments passed at the Land Use Committee on September 17, 2018 to the substitute ordinance introduced at the Board of Supervisors on September 11, 2018. The ordinance was initially introduced at the Board of Supervisors on June 12, 2018.

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CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292
 FAX (415) 252-0461

October 26, 2018

TO: Budget and Finance Committee

FROM: Budget and Legislative Analyst



SUBJECT: November 1, 2018 Budget and Finance Committee Meeting

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<p>Item 11 File 18-0646</p>	<p>Department: Department of Environment (DOE)</p>
<p>EXECUTIVE SUMMARY</p>	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> • The proposed ordinance amends the Environment Code to (1) require audits every three years of large refuse generators for compliance with refuse separation requirements; and (2) establish enforcement measures applicable to large refuse generators found noncompliant. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> • In June 2009, the Board of Supervisors added the “Mandatory Recycling and Composting Ordinance” to the Environment Code, requiring all persons in San Francisco to separate recyclables, compostables, and landfilled trash in recycling and composting programs. • In 2002, the Board of Supervisors approved a resolution adopting a goal of zero waste and authorized the Commission on the Environment to adopt a timeline for achieving zero waste. The Commission directed the Department of Environment to develop policies and programs to achieve zero waste, including increasing producer and consumer responsibility in order to achieve the zero waste goal. • The Department of Environment has found that approximately 80 percent of recyclable or compostable material is currently being recovered from San Francisco properties. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> • The proposed ordinance could result in a fiscal impact to City departments if any of the City facilities that meet the definition of large refuse generator fail their compliance audit and are required to engage a zero waste facilitator for two years at the expense of the affected department(s). According to the Department of Environment, each large refuse generator that is required to engage a zero waste facilitator may need one to two full time staff, at a rate of approximately \$20 per hour in direct salary plus an additional \$20 for benefits and overhead, or approximately \$40 per hour per staff person. The Department of Environment expects that five City-operated large refuse generators may fail their compliance audit, resulting in a total cost to the City of approximately \$416,000 to \$832,000 per year. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> • Approval of the proposed ordinance is a policy matter for the Board of Supervisors. 	

MANDATE STATEMENT

Charter Section 2.105 requires all legislative acts to be by ordinance subject to an affirmative vote by the Board of Supervisors.

BACKGROUND

In June 2009, the Board of Supervisors approved an amendment to the Environment Code that added Chapter 19, Sections 1901 through 1912, entitled “Mandatory Recycling and Composting Ordinance” that requires all persons in San Francisco to separate recyclables, compostables, and landfilled trash in recycling and composting programs (File No. 08-1404; Ord. No. 100-09).

In 2002, the Board of Supervisors approved a resolution adopting a goal of zero waste and authorized the Commission on the Environment to adopt a timeline for achieving zero waste. The Commission adopted a timeline in 2003 and directed the Department of Environment to develop policies and programs to achieve zero waste, including increasing producer and consumer responsibility in order to achieve the zero waste goal (Resolution No. 002-03). According to Mr. Charles Sheehan, Chief Policy and Public Affairs Officer for the Department of Environment, the Department of Environment has found that approximately 80 percent of recyclable or compostable material is currently being recovered from San Francisco properties.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance amends the Environment Code to (1) require audits every three years of large refuse generators for compliance with refuse separation requirements; and (2) establish enforcement measures applicable to large refuse generators found noncompliant.

A compliance audit entails a thorough visual inspection of the contents of refuse collection containers that results in a finding of the approximate percentage of contaminants or materials not appropriate for that type of container (i.e., recyclables, compostables, or trash).

Large refuse generators are defined as commercial property refuse account holders or City-owned and operated facilities, that have roll-off compactor service or generate 30 cubic yards or more of uncompacted refuse per week. There are 15 City-owned and operated facilities that meet the definition of “large refuse generator,” listed below.

City-Operated Large Refuse Generators

Primary Department	Departments Occupying Building	Name of Facility	Address
Public Health		Laguna Honda Hospital	375 Laguna Honda Blvd
Public Health		SF General Hospital	1001 Potrero Ave
Port		Fisherman’s Wharf	Foot of Leavenworth
Port		South Beach Harbor	Pier 40 - 44
Real Estate	Sheriff, Police, District Attorney, Superior Court, Adult Probation	Hall of Justice	850 Bryant
Real Estate	Controller, Public Works, Board of Supervisors, Mayor, Assessor Recorder, Treasurer/Tax Collector, etc.	City Hall	1 Dr. Carlton B. Goodlett
Real Estate	SFMTA, Human Resources, 311, Technology, MOHCD, MOEWD	1 South Van Ness	1 South Van Ness Ave
Library		Main Library	100 Larkin St
SFMTA		Woods Maintenance Yard	1095 Indiana
SFMTA		Green Maintenance Yard	2200 San Jose
SFMTA		Flynn Maintenance Yard	1940 Harrison St
SFMTA		Potrero Maintenance Yard	2500 Mariposa
SFMTA		MME Maintenance Yard	601 25th Street
SFPUC		Northshore Pumping Station	140 Bay
SFPUC		SFPUC Headquarters	525 Golden Gate Ave

Source: Department of Environment

If any of the City-owned and operated facilities fail their compliance audit, City departments would be required to engage for two years a “zero waste facilitator”, which is a person or entity that manages refuse materials within a given property, including material sorting and transfer. Large refuse generators that remain noncompliant nine months after the compliance audit and do not engage a zero waste facilitator would face administrative penalties of up to \$1,000 per day.

FISCAL IMPACT

The proposed ordinance could result in a fiscal impact to City departments if any of the City facilities that meet the definition of large refuse generator fail their compliance audit and are required to engage a zero waste facilitator for two years at the expense of the affected department(s).

According to the Department of Environment, each large refuse generator that is required to engage a zero waste facilitator may need one to two full time staff, at a rate of approximately \$20 per hour in direct salary plus 100 percent for benefits and overhead, or approximately \$40 per hour per staff person. The Department of Environment expects that five City-operated large refuse generators may fail their compliance audit, resulting in a total cost to the City of approximately \$416,000 to \$832,000 per year, as shown in the table below.

Estimated Annual Cost to the City of Zero Waste Facilitators

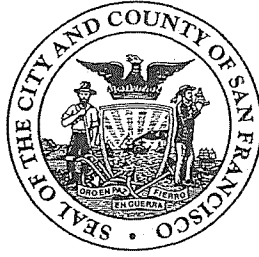
Cost per Zero Waste Facilitator Staff			
Hourly wage	\$20		
Benefits and overhead	<u>20</u>		
Hourly total	40		
Annual Hours	<u>x 2080</u>		
Annual total (2,080 hours)	\$83,200		
Estimated Cost per Facility		Cost for Five Facilities	
1 staff	\$83,200	\$416,000	
2 staff	\$166,400	\$832,000	

At this time, it is not known which facilities and which departments would need to engage zero waste facilitators. Affected departments would need to include funding for zero waste facilitators in their future annual budgets, subject to Board of Supervisors appropriation approval.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 19, 2018

File No. 180646-3

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 17, 2018, Supervisor Safai amended the following proposed legislation:

File No. 180646-3

Ordinance amending the Environment Code to require audits every three years of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

This amended legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Linda Wong
By: Linda Wong, Assistant Clerk
Budget and Finance Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA
Guidelines Sections 15378 and 15060(c)
(2) because it does not result in a
physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2018.09.27 14:38:21 -0700

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 14, 2018

File No. 180646

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 11, 2018, Supervisor Safai introduced the following substitute legislation:

File No. 180646

Ordinance amending the Environment Code to require audits every 30 months of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

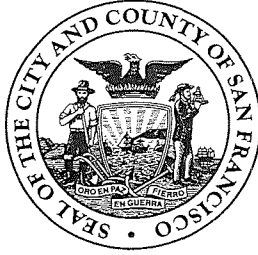
c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2018.09.17 08:39:28 -0700

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

June 19, 2018

File No. 180646

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson:

On June 12, 2018, Supervisor Safaí introduced the following legislation:

File No. 180646

Ordinance amending the Environment Code to require audits every two years of large refuse generators for compliance with refuse separation requirements, and to establish enforcement measures applicable to large refuse generators that have been noncompliant for nine or more consecutive months; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: John Carroll, Assistant Clerk
Public Safety and Neighborhood Services Committee

Attachment

c: Joy Navarrete, Environmental Planner
Laura Lynch, Environmental Planner

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a direct or reasonably foreseeable physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2018.07.03 17:54:37 -07'00'



180646
RECEIVED 9/17/18

September 17, 2018

San Francisco Board of Supervisors
Land Use and Transportation Committee
Honorable Supervisor Katie Tang
Honorable Supervisor Jane Kim
Honorable Supervisor Asha Safai
Legislative Chamber, Room 250
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Dear Supervisors:

On Friday, September 14, the Port received a referral from the Clerk of the Board regarding file number 180646 --a proposed Ordinance amending the Environmental Code to add enforcement measures to the City's refuse separation compliance policy. My staff's preliminary review of this legislation suggests that, in addition to Port operations, it may impact many Port tenants who are likely not aware of the proposed changes to the Environment Code.

The Port supports the Department of Environment and efforts to further improve our stewardship of the City and Bay (it is, in fact, a part of our obligation under the Public Trust imposed by the State of California). It would be very helpful to have additional time to alert the Port's many tenants and fully assess the impacts on the Port's public-facing refuse collection efforts as a major tourist destination.

That we may engage our tenants and further our own understanding on this change in policy, I respectfully request that item number five on today's Transportation and Land Use Committee Agenda, *Environment Code - Refuse Separation Compliance*, be continued for 30 days.

Please feel free to reach out to me directly or have your staff reach out to Daley Dunham in my office at 415-274-0454 with any questions.

Respectfully,

Elaine Forbes
Executive Director

cc: Erica Major
Kanishka Karunaratne



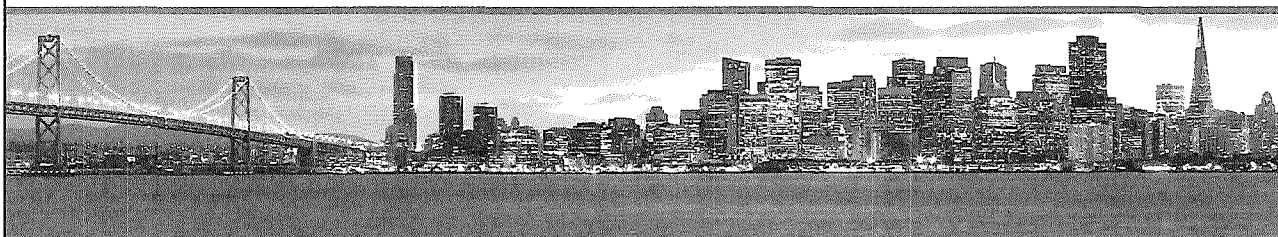
SF Environment

Our home. Our city. Our planet.

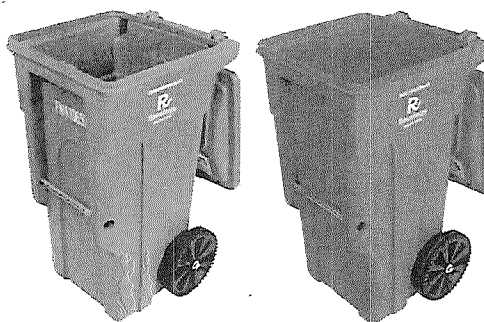
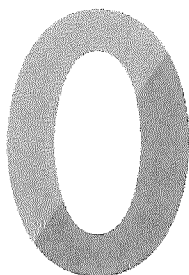
A Department of the City and County of San Francisco

Zero Waste Facilitators

Facilitating Composting and Recycling in SF's Largest Buildings



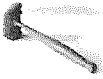
Zero Waste Goal



Goal Has Driven Progress



Zero Waste goal set by Commission on the Environment



2003

Mandatory Recycling and Composting Ordinance requiring source separation of all materials



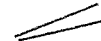
2009

2012

Ban on expanded polystyrene foam foodware and packaging

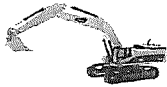
2016

Ban on plastic straws; fluorinated chemicals, foodware on request etc



2017

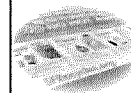
2018



Mandatory recovery of Construction & Demolition debris



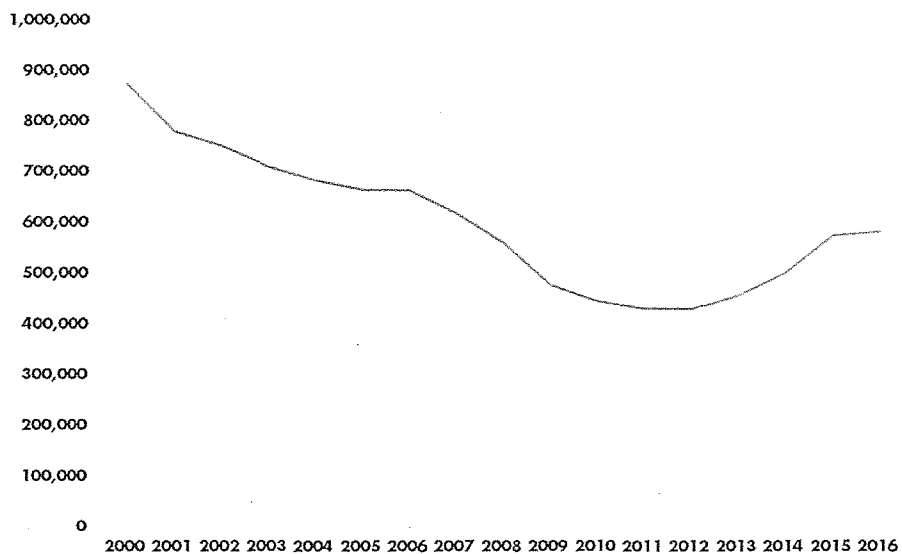
Ban on single-use plastic bags extended to all stores and restaurants



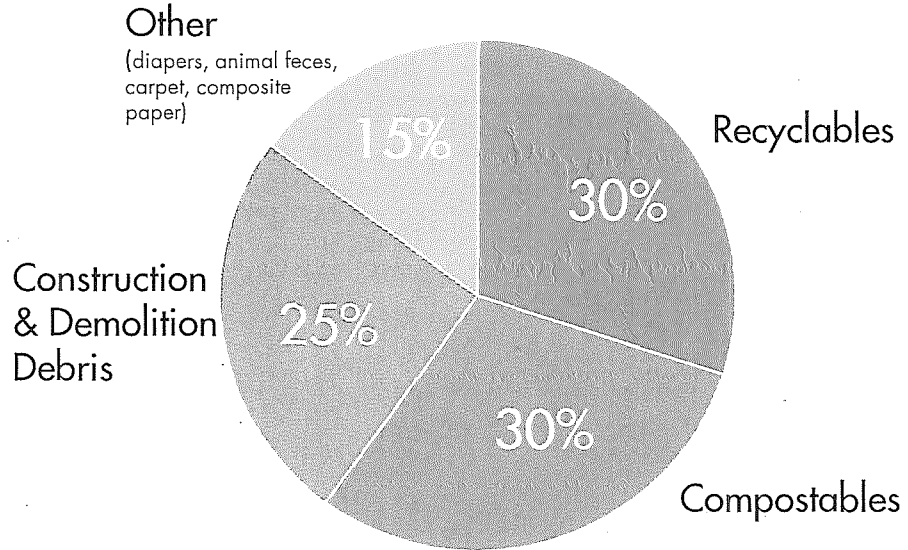
Recycling program expansion roll out

GCAS ZW Pledge to reduce generation 1.5% and disposal 50% by 2030

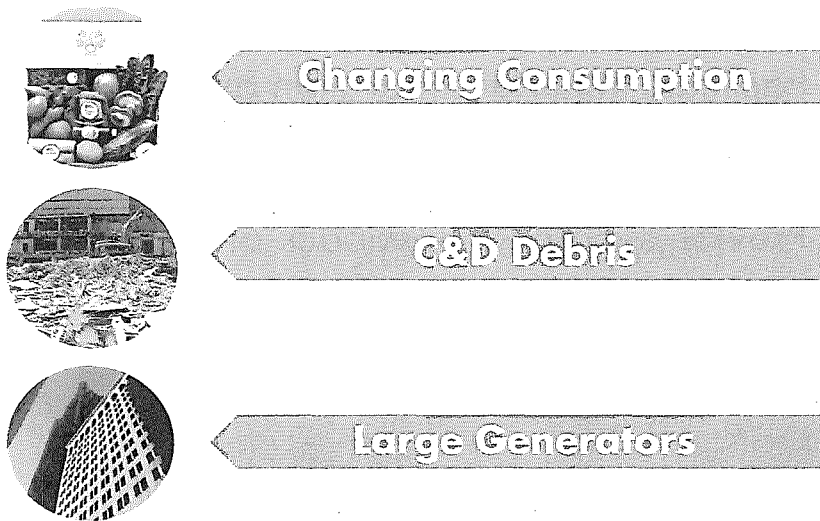
Total Tons Disposed



What's Being Disposed



Challenges



Zero Waste Facilitator



What Do Zero Waste Facilitators Do?



- Facilitate material separation and sorting
- Provide separation feedback and education to tenants
- Help reduce charges on refuse bill

80+ Properties Using Zero Waste Facilitators



Case Study Example: 926 unit Apartment Building



Before Zero Waste Facilitator

- 78 CYDs trash/week
- 40.5 CYD Recycling/week
- 4 64-gallon composting/week

After Zero Waste Facilitator

- 26 CYD trash/week
- 100.7 CYD recycling/week
- 12 64-gallon composting/week

Who Are Large Refuse Generators to be Affected?

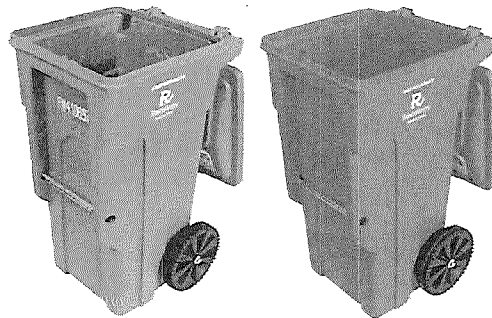
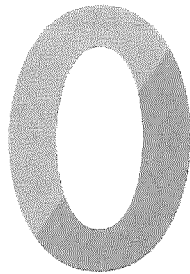


Large generators are those with either a **roll-off compactor** or **30 cubic yards or more** of **weekly refuse service**

Facility Type	Total
Office Buildings	140
Hotels	53
Apartments	126
Retail, Mall, Wholesale, Restaurant	145
School/Univ, Hosp, Church, Pantry, Museum..	53
Convention, Theater, Stadium, Club, Ferry..	14
Industrial	2
City Properties	15
TOTAL FACILITIES	548



In Closing...



Debbie Raphael,
 Director, SF Department of the Environment

180646
RECEIVED 9/17/18
IN COMMITTEE

supervisor Adaba
Safari

- We would like to thank the Author's office and the SF Department of Environment in working with us to address most of the operational issues that we have raised during the course of developing this legislation. With the most recent round of amendments, we are confident Recology will be able to meet the mandates to perform audits.
- We deeply appreciate the City's continuing efforts to create policies that support San Francisco's goal of 50% landfill reduction by 2030. We want to thank the Author for his focus on contamination, an important issue in meeting this ambitious goal.
- Over the past decade, in partnership with the City we have worked to steadily improve recycling and compost participation amongst our largest commercial customers. Through a thoughtful set of policy tools including economic incentives, primarily positive, but also negative when other efforts fail, outreach, and education we have been able to make great strides. Today 99% of all buildings in San Francisco have the 3 bin system onsite offering everyone the opportunity to participate.
- Through an iterative process with the City and our customers a few things have become readily apparent:

→ how often does a unit get tags?
→ how often do we refuse services?

1. The large majority of our customers do in fact want to be good recyclers. Most believe in the greater goal of environmental protection, but all enjoy the economic savings that are realized by fully participating.
2. Our large generator commercial customers represent a diverse group of operations from non-profits such as the San Francisco Food Bank, to low-income housing properties like the Alice Griffith Apartments, to multi-tenant commercial entities such as the Embarcadero Center. Each sector and customer within those sectors presents us a different set of material waste streams, internal process flows and economic resources and constraints to work within.
3. Every customer, every building, is unique. A solution that reduces contamination for one customer is likely not to be the ideal solution for another customer. Customer needs change over time as new tenants introduce new products into their streams. Once those issues are identified, they can be addressed through outreach and education.
4. Over the past year and half, Recology has worked with over 300 customers on contamination issues. In nearly 75% of those cases, the customer addressed the issue through outreach and education. Education remains an essential component, no matter which operational solution to reduce contamination is applied. It enables individual waste generators to do a better job recycling and composting at their place of work. Equally important the behavior is taken home with them, critical actions to achieve City goals.

In summary, we have learned the more levers made available to Recology and the City to pull, from both an incentive and penalty perspective, the more thoughtful we can be with our customers from the outreach and educational perspective.

Recology looks to support legislation and policy that decreases contamination reducing the amount of materials sent to landfill. However thoughtful or well-intentioned, for legislation to be effective we need to understand our customers concerns have been heard and addressed prior to implementation.

- If called on, Recology would look forward to working with supervisor Safai's office, the Department of Environment and our customers on policy enhancements to improve the final product.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

June 19, 2018

File No. 180646

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson:

On June 12, 2018, Supervisor Safai introduced the following legislation:

File No. 180646

Ordinance amending the Environment Code to require audits every two years of large refuse generators for compliance with refuse separation requirements, and to establish enforcement measures applicable to large refuse generators that have been noncompliant for nine or more consecutive months; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: John Carroll, Assistant Clerk
Public Safety and Neighborhood Services Committee

Attachment

c: Joy Navarrete, Environmental Planner
Laura Lynch, Environmental Planner

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Deborah Raphael, Director, Department of the Environment
Barbara Garcia, Director, Department of Public Health
Mohammed Nuru, Director, Public Works

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: June 19, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Safaí on June 12, 2018:

File No. 180646

Ordinance amending the Environment Code to require audits every two years of large refuse generators for compliance with refuse separation requirements, and to establish enforcement measures applicable to large refuse generators that have been noncompliant for nine or more consecutive months; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Peter Gallotta, Department of the Environment
Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: John Carroll, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: June 19, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Public Safety and Neighborhood Services Committee

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 180646

Ordinance amending the Environment Code to require audits every two years of large refuse generators for compliance with refuse separation requirements, and to establish enforcement measures applicable to large refuse generators that have been noncompliant for nine or more consecutive months; and affirming the Planning Department's determination under the California Environmental Quality Act.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment
- Recommendation Attached

Chairperson, Small Business Commission

Carroll, John (BOS)

From: Mchugh, Eileen (BOS)
Sent: Thursday, July 19, 2018 1:05 PM
To: BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Nevin, Peggy (BOS); Carroll, John (BOS); Major, Erica (BOS)
Subject: Presidential Action Memo - Transferring File No. 180646
Attachments: PA Memo - Transferring File No.180646.pdf
Categories: 180646

Dear Supervisors:

Please be advised that a Presidential Action Memo was received transferring File No.180646 from the **Public Safety and Neighborhood Services Committee** to the **Land Use and Transportation Committee**.

File No 180646 - Ordinance amending the Environment Code to require audits every two years of large refuse generators for compliance with refuse separation requirements, and to establish enforcement measures applicable to large refuse generators that have been noncompliant for nine or more consecutive months; and affirming the Planning Department's determination under the California Environmental Quality Act.

Regards,

Eileen McHugh
Executive Assistant
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-7703 | Fax: (415) 554-5163
eileen.e.mchugh@sfgov.org | www.sfbos.org

President, District 10
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-7670
Fax No. 554-7674
TDD/TTY No. 544-5227

BOS-11
Aides
Deputies
RNUS Clerks
LU Clerks
Atty-Mayor's Office

Malia Cohen

PRESIDENTIAL ACTION

Date: July 18, 2018

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____ (Primary Sponsor)

Title. _____

Transferring (Board Rule No 3.3)

File No. 180646 Safai
(Primary Sponsor)

Title. Ordinance amending the Environment Code to require audits every two years of large refuse generators for compliance with refuse separation **+**

From: Public Safety & Neighborhood Services Committee

To: Land Use & Transportation Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

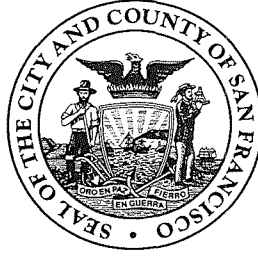
Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

2018 JUL 18 PM 4:46
BOARD OF SUPERVISORS
SAN FRANCISCO
RECEIVED

Malia Cohen, President
Board of Supervisors

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 19, 2018

File No. 180646-3

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:


On September 17, 2018, Supervisor Safai amended the following proposed legislation:

File No. 180646-3

Ordinance amending the Environment Code to require audits every three years of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

This amended legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

For By: 
Linda Wong, Assistant Clerk
Budget and Finance Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: *lw* Linda Wong, Assistant Clerk
Budget and Finance Committee

DATE: September 19, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Budget and Finance Committee

The Board of Supervisors' Budget and Finance Committee has received the following amended legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 180646-3

Ordinance amending the Environment Code to require audits every three years of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment
- Recommendation Attached

Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Deborah Raphael, Director, Department of the Environment
Greg Wagner, Acting Director, Department of Public Health
Mohammed Nuru, Director, Public Works

FROM: *ll*
bn Linda Wong, Assistant Clerk
Budget and Finance Committee

DATE: September 19, 2018

SUBJECT: AMENDED LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, amended by Supervisor Safai on September 17, 2018:

File No. 180646-3

Ordinance amending the Environment Code to require audits every three years of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: linda.wong@sfgov.org.

c: Peter Gallotta, Department of the Environment
Charles Sheehan, Department of the Environment
Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Deborah Raphael, Director, Department of the Environment
Greg Wagner, Acting Director, Department of Public Health
Mohammed Nuru, Director, Public Works

FROM: Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: September 14, 2018

SUBJECT: SUBSTITUTE LEGISLATION

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Safai on September 11, 2018:

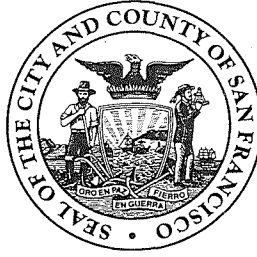
File No. 180646-2

Ordinance amending the Environment Code to require audits every 30 months of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Peter Gallotta, Department of the Environment
Charles Sheehan, Department of the Environment
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: September 14, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 180646-2

Ordinance amending the Environment Code to require audits every 30 months of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment

_____ Recommendation Attached

Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 14, 2018

File No. 180646

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 11, 2018, Supervisor Safai introduced the following substitute legislation:

File No. 180646

Ordinance amending the Environment Code to require audits every 30 months of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Wong, Linda (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, October 22, 2018 10:39 AM
To: BOS-Supervisors; Wong, Linda (BOS)
Subject: FW: Refuse Separation Compliance Legislation
Attachments: Letter RE Refuse Separation Compliance Legislation 20181022a.pdf

From: Michael Janis <mjanis@sfproduce.org>
Sent: Monday, October 22, 2018 10:27 AM
To: Breed, London (MYR) <london.breed@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Cc: Karunaratne, Kanishka (MYR) <kanishka.cheng@sfgov.org>; Peacock, Rebecca (MYR) <rebecca.peacock@sfgov.org>; Kittler, Sophia (BOS) <sophia.kittler@sfgov.org>; Sandoval, Suhagey (BOS) <suhagey.sandoval@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Dick-Endrizzi, Regina (ECN) <regina.dick-endrizzi@sfgov.org>; Raphael, Deborah (ENV) <deborah.rafael@sfgov.org>
Subject: Refuse Separation Compliance Legislation

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To: The Honorable London Breed, Mayor
The Honorable Supervisor Malia Cohen, Chair, Budget and Finance Committee
The Honorable Supervisor Ahsha Safai
San Francisco Office of the Mayor
San Francisco Board of Supervisors

Please see the attached letter regarding the Refuse Separation Compliance Legislation. Thank you.

Sincerely,

Michael Janis

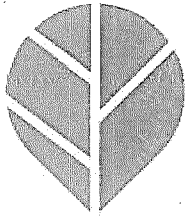
Wow, Our Food Recovery program and relationship with San Francisco's Department of the Environment is highlighted

<https://www.youtube.com/watch?v=3EZPH92BQ6w>

Ck out coverage of our Brand launch- www.thepacker.com/article/san-francisco-wholesale-produce-market-rebrands

San Francisco Wholesale Produce Market

2095 Jerrold Ave., Suite 212, San Francisco, CA 94124 | T: 415-550-4495 | F: 415-821-4752 | E: mjanis@sfproduce.org | www.sfproduce.org



THE SF MARKET™
SOURCE FOR FRESH PRODUCE

San Francisco Wholesale
Produce Market

2095 Jerrold Avenue, Suite 212
San Francisco, California 94124

PHONE
415.550.4495

FAX
415.821.2742

October 22, 2018

The Honorable London Breed, Mayor
The Honorable Supervisor Malia Cohen, Chair, Budget and Finance Committee
The Honorable Supervisor Ahsha Safai
San Francisco Office of the Mayor
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: REQUEST TO CONTINUE: File #180646, Refuse Separation Compliance Legislation

Dear Mayor Breed, Chair Cohen, and Supervisor Safai,

The San Francisco Wholesale Produce Market, San Francisco's nonprofit wholesale marketplace connecting growers to food businesses throughout the region, has concerns as to how Supervisor Safai's Refuse Separation Compliance legislation (File #180646) may impact our individual merchants and The SF Market as a whole.

As you may know, The SF Market was created in 1963 when the City relocated independent produce merchants from downtown San Francisco and built a shared facility in Bayview Hunters Point. Thirty produce wholesalers and distributors provide the food infrastructure and programs that feed the Bay Area and its \$113 billion food economy. Hundreds of food-centered companies shop our streets each night, loading trucks with local produce destined for local markets, caterers and restaurants. The SF Market is a key PDR employer: our merchants employ over 850 people, many from our neighborhood and city.

We have a long-standing commitment to waste management best practices. We are proud that the City piloted its compost collection program at The SF Market in 1996. Our Food Recovery Program feeds the hungry while continuing our long tradition of diverting food from going into the waste stream. With support from the Department of the Environment's Zero Waste Grant Program, we and our merchants have recovered over 1 million pounds of healthy food, which our 20 community partners turned into healthy meals for the needy. Through SF Market's Food Recovery Program:

- 1,243,276 pounds of produce have been saved since 2016
- 1,036,063 meals have been provided by our partners
- 1,243 cubic yards have been diverted from the waste stream



www.sfproduce.org

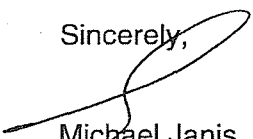
The SF Market regularly partners with Recology in education and enforcement for proper sorting practices and to minimize what is added to our landfills. Our relationship with Recology is excellent and we are able to problem-solve with them to quickly correct waste-sorting deficiencies. Our concern with this legislation is that, rather than furthering our partnership with Recology and the City to help achieve zero waste goals through facilitation and incentives, we will be penalized if we don't pass an audit; we may even be required to hire full-time staff as exclusive waste facilitators for two years, regardless of whether that is the best course of action or consideration of financial impact.

Each merchant at The SF Market has its own account with Recology for waste management. Some of our merchants generate more than 30 cubic yards/week and so would be considered a Large Refuse Generator (LRG) now, even though some are small businesses. In the future the Market will move to a centralized system for all waste management and will certainly fit the LRG definition. We therefore have concerns that our individual businesses and The SF Market as a whole could face challenging hiring requirements should we inadvertently fail an audit.

Refuse separation compliance should continue to focus on outreach and education and use of existing penalties to ensure that those not meeting zero waste goals are aware of their lack of compliance, instructed on how to comply, and given time and opportunity to do so before hiring requirements kick in.

Due to these concerns, The SF Market requests that this legislation not be passed out of committee, and that we be given more opportunities to work with our city partners on policies that will continue our collective march toward meeting zero waste goals.

Sincerely,



Michael Janis
General Manager

cc: Clerk of the Board of Supervisors, to be distributed to all Supervisors; Department of the Environment Director Deborah Raphael; Office of Small Business Director Regina Dick-Endrizzi

Wong, Linda (BOS)

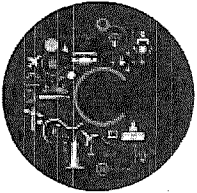
From: Mchugh, Eileen (BOS)
Sent: Friday, September 21, 2018 5:20 PM
To: Somera, Alisa (BOS); Wong, Linda (BOS)
Subject: FW: SF Letter re: REQUEST TO CONTINUE: File #180646, Refuse Separation Compliance Legislation
Attachments: 9.21.18 REQUEST TO CONTINUE_File 180646, Refuse Separation .pdf

From: Mary Young <myoung@sfchamber.com>
Sent: Friday, September 21, 2018 9:45 AM
To: Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Mayor London Breed (MYR) <mayorlondonbreed@sfgov.org>; Power, Andres (MYR) <andres.power@sfgov.org>; Raphael, Deborah (ENV) <deborah.raaphael@sfgov.org>
Subject: SF Letter re: REQUEST TO CONTINUE: File #180646, Refuse Separation Compliance Legislation

Dear Supervisor Safai and Chair Cohen,

Please see attached letter from the San Francisco Chamber of Commerce, regarding File #180646, Refuse Separation Compliance Legislation.

Thank you,



Mary Young
Manager, Public Policy
San Francisco Chamber of Commerce
235 Montgomery St., Ste. 760, San Francisco, CA 94104
(O) 415-352-8803 • (E) myoung@sfchamber.com





235 Montgomery St., Ste. 760, San Francisco, CA 94104
tel: 415.392.4520 • fax: 415.392.0485
sfchamber.com • twitter: @sf_chamber

September 21, 2018

The Honorable Ahsha Safai
The Honorable Malia Cohen, Chair, Budget and Finance Committee
San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: REQUEST TO CONTINUE: File #180646, Refuse Separation Compliance Legislation

Dear Supervisor Safai and Chair Cohen,

The San Francisco Chamber of Commerce, representing the interests of thousands of local businesses, has concerns regarding Supervisor Safai's Refuse Separation Compliance legislation (File #180646) coming to the Budget and Finance Committee. We appreciate your amendments thus far, including moving the operative date to July 1, 2019. The Chamber and our partners request the legislation be continued so that we can again bring stakeholders to the table to work out additional details of the refuse separation regulations with you and the Department of the Environment.

The legislation is laudable in its intent to help the city meet its Zero Waste Goals. We understand the importance of disposing refuse properly so that compostable and recyclable waste that may be marketable doesn't end up in landfill. But this legislation attempts to apply a specific set of regulations to Large Refuse Generators (LRGs) in multiple, diverse industries that have little if anything in common with each other. It applies the same regulatory requirements to businesses that generate entirely different types of waste, via different waste streams, from different sources, managed by different systems. The one-size-fits-all regulations in this measure would apply to LRGs in the following industries (among others):

- Commercial Office Buildings (with multiple tenants)
- Hospitals
- Hotels
- Universities
- Residential Apartment Buildings (with multiple tenants)
- Food Service Providers
- Sports Arenas
- Convention Centers (like Moscone Center)
- Shopping Malls
- Manufacturers
- Non-profit Service Providers
- City Departments

It is not realistic to expect or require LRGs in each of these industries to adhere to identical waste separation requirements. Some, like hospitals, must adhere to regulations set out by the state. Convention centers like Moscone Center have extreme space and time constraints for refuse separation before, during and after large events. Commercial office buildings, residential apartment buildings and shopping malls have hundreds of tenants; hotels have temporary occupants who stay for one night or much longer. Universities have classrooms, administrative offices, dorms and other types of student and faculty residences. It is unworkable to place the same compliance requirements on such diverse waste generators.

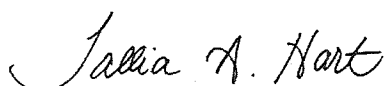
Nor is it reasonable to require all LRGs deemed out of compliance to hire or assign waste facilitators. In some cases there will be other, more effective and cost-efficient solutions to resolving compliance issues. Requiring waste facilitators to be full-time and designated exclusively for refuse separation is not necessary or prudent in all cases and may be unaffordable, especially for non-profit organizations. Hiring or assigning waste facilitators - full or part-time - should be at the discretion of the refuse account holder if they deem it is the best way for their property to come into compliance.

Language regarding benchmarks or standards that LRGs must meet to be in compliance with the ordinance is very vague. It does not incorporate clear data that LRGs can use to determine their degree of compliance or even the justification for it. It would be virtually impossible for all LRGs to know and comply with these requirements as written, especially given that refuse separation instructions often change as we learn more about environmental contaminants. For example, what we do with milk cartons today is not what we did with them a year ago. The marketability of refuse changes with some frequency yet there is insufficient flexibility in the legislation to reflect that fact. San Francisco businesses should not be penalized for failing to comply with separation requirements based on refuse marketability conditions at any given time.

Refuse separation compliance should focus on outreach and education to ensure that the entity or individual doing the contaminating (including commercial or residential tenants) is aware of their lack of compliance, is instructed on how to comply, and given time, opportunity and incentive to do so before penalties are assessed and accrue.

Due to these concerns, the San Francisco Chamber of Commerce requests that this legislation not be passed out of committee until all industries in the city with LRGs have had the opportunity to weigh in. We are confident that we can partner with the City to establish reasonable and practical policies that enable all San Francisco industries to move more quickly towards zero waste goals.

Sincerely,



Tallia A. Hart
President & CEO
San Francisco Chamber of Commerce

cc: Clerk of the Board of Supervisors, to be distributed to all Supervisors; Mayor London Breed;
Department of the Environment Director Deborah Raphael

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2018 SEP 11 11:35
 Time stamp
 or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [180646]
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Ahsha Safai

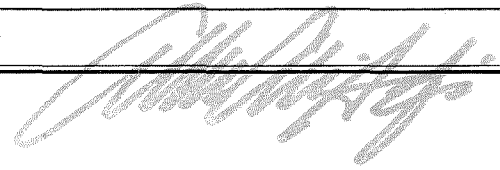
Subject:

Environment Code -- Refuse Separation Compliance

The text is listed:

Ordinance amending the Environment Code to require audits every thirty months of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: []



For Clerk's Use Only