

1 [Medical Waste Generator Registration, Permitting, Inspections Fees.]

2

3 **Ordinance amending Sections 1504 through 1509, 1513, and 1514 of San Francisco**
4 **Health Code Article 25 to increase registration and permit fees for persons who**
5 **generate, store, haul and treat medical waste and for inspections by the Department of**
6 **Public Health; and to clarify process for subsequent fee adjustments by the Controller**
7 **for consumer price index increases; and making environmental findings.**

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Note: Additions are single-underline italics Times New Roman;
9 deletions are ~~strikethrough italics Times New Roman~~.
10 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. Findings.

13 A. The Planning Department has determined that the actions contemplated in this
14 Ordinance are in compliance with the California Environmental Quality Act (California Public
15 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
16 Board of Supervisors in File No. _____ and is incorporated herein by reference.

17 Section 2. The San Francisco Health Code is hereby amended by amending Section
18 1504 to read as follows:

19 **SEC. 1504. REGISTRATION REQUIREMENTS FOR SMALL QUANTITY**
20 **GENERATORS.**

21 (a) On-Site Treatment Registration. Each small quantity generator using on-site
22 steam sterilization, incineration, or microwave technology to treat medical waste shall register
23 with the Director.

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1 (1) Small quantity generators using on-site treatment, as specified in
2 Subsection (a), which operate as a business in the same building, or which are associated
3 with a group practice in the same building, may register as one generator.

4 (2) Small quantity generators using on-site treatment, as specified in
5 Subsection (a), operating as specified in Paragraph (a)(1) in different buildings on the same or
6 adjacent property, or as approved by the Director, may register as one generator.

7 (3) "Adjacent," for purposes of paragraph (a)(2), means real property within
8 400 yards from the property boundary of the primary registration site.

9 (b) Registration Deadline. Small quantity generators subject to Subsection 1504(a)
10 shall register with the Director and pay the required fee no later than 120 days after the
11 effective date of this Article. In those cases where the generation of medical waste begins
12 after the effective date of this Article, registration shall be completed pursuant to this Article
13 prior to commencement of the generation of medical waste.

14 (c) Registration by Filing Management Plan. Any small quantity generator required to
15 register with the Director pursuant to this Section shall file with the Director a medical waste
16 management plan, on forms prescribed by the Director containing, but not limited to, all of the
17 following:

18 (1) The name of the person responsible for operation of the small quantity
19 generator, or with direct responsibility for management of medical waste;

20 (2) The business address of the person specified in Paragraph (1);

21 (3) The type of business;

22 (4) The types, and the estimated average monthly quantity, of medical waste
23 generated;

24 (5) The type of treatment used on-site;

1 (6) The name and business address of the hazardous waste hauler used by
2 the generator for backup treatment and disposal, for waste for which the on-site treatment
3 method is not appropriate due to the hazardous or radioactive characteristics of the waste, or
4 the name of the hazardous hauler used by the generator to have untreated medical waste
5 removed for treatment and disposal;

6 (7) A statement indicating that the generator is hauling the medical waste
7 generated in his or her business pursuant to Section 1506 and the name and any business
8 address of the treatment and disposal facilities to which the waste is being hauled, if
9 applicable;

10 (8) The name and business address of the hazardous waste hauler service
11 provided by the building management to which the building tenants may subscribe or are
12 required by the building management to subscribe and the name and business address of the
13 treatment and disposal facilities used, if applicable;

14 (9) A statement certifying that the information provided is complete and
15 accurate.

16 (d) Inspection and Additional Permitting Requirements. Small quantity generators
17 required to register under Subsection 1504(a) are subject to biennial inspection of the on-site
18 treatment facility by the Director and may be subject to the permitting requirements of Section
19 1509 for on-site medical waste treatment facilities as determined by the Director. The
20 inspection and permitting requirements of this paragraph do not apply when on-site steam
21 sterilization is not used for the treatment or disposal of medical waste.

22 (e) Duration of Registration; Renewal and Update of Information. Each small quantity
23 generator registration issued by the Director under Subsection 1504(a) shall be valid for two
24 years. Applications for renewal of the registration shall be filed with the Director on or before
25 the expiration date. Small quantity generators shall submit an updated application form within

1 30 days of any change in the medical waste management plan information specified in
2 Paragraphs (c)(1) to (c)(9) of this Section.

3 (f) Recordkeeping Requirements. Any medical waste generator required to register
4 pursuant to this Section shall maintain individual treatment and tracking records, including
5 tracking documents if applicable, for three years, or for the period specified in the Director's
6 regulations, and shall report or submit to the Director, upon request, both of the following:

7 (1) Treatment operating records;

8 (2) An emergency action plan complying with regulations adopted by the
9 State of California, pursuant to the Act.

10 (g) Containment and Storage Requirements. Containment and storage of medical
11 waste shall be in accordance with Section 1510.

12 (h) Treatment Requirements. Treatment of medical waste shall be in accordance
13 with Section 1511.

14 (i) Fees For Small Quantity Generator Registration. The registration and inspection
15 fee for small quantity generators required to register under Subsection 1504(a) is ~~\$321 for~~
16 ~~fiscal year 2004 (beginning July 1, 2004), \$398 for fiscal year 2005 (beginning July 1, 2005), \$482 for~~
17 ~~fiscal year 2006 (beginning July 1, 2006)~~ \$524.

18 Section 3. The San Francisco Health Code is hereby amended by amending Section
19 1505 to read as follows:

20 **SEC. 1505. REQUIREMENTS FOR NONREGISTRANT SMALL QUANTITY**
21 **GENERATORS.**

22 (a) Recordkeeping by Nonregistrants. Small quantity generators who are not
23 required to register pursuant to this Article shall maintain on file in their office all of the
24 following:

25

1 (1) An information document stating how the generator contains, stores,
2 treats, and disposes of any medical waste generated through any act or process of the
3 generator. The information document may be prepared using the medical waste management
4 plan form prescribed by the Director pursuant to Subsection 1504(d);

5 (2) Records of any medical waste transported off-site for treatment and
6 disposal, including the quantity of waste transported, the date transported, and the name of
7 the hazardous waste hauler or individual hauling the waste pursuant to Subsection 1506(b).
8 The small quantity generator shall maintain these records for not less than two years.

9 (b) Nonregistrant Fee and Notification. Every small quantity generator subject to
10 Subsection 1505(a) shall mail a copy of the information document specified in Paragraph
11 (a)(1) to the Director no later than 120 days after the effective date of this Article. In those
12 cases where the generation of medical waste begins after the effective date of this Article, the
13 information document shall be mailed to the Director within 30 days of commencement of the
14 generation of medical waste.

15 (1) The information document shall be accompanied by a one-time fee of ~~\$95~~
16 ~~for fiscal year 2004 (beginning July 1, 2004), \$117 for fiscal year 2005 (beginning July 1, 2005), \$142~~
17 ~~for fiscal year 2006 (beginning July 1, 2006).~~ \$154.

18 (2) A new information document and fee shall be submitted only if the
19 generator moves to a new location more than 400 yards from the boundary of the location
20 specified in the previous information document.

21 Section 4. The San Francisco Health Code is hereby amended by amending Section
22 1506 to read as follows:

23 **SEC. 1506. MEDICAL WASTE HAULERS.**

24 (a) Transportation of Waste. Except as otherwise exempted pursuant to Subsection
25 1506(b), all medical waste shall be transported off-site by a hazardous waste hauler in leak-

1 resistant and fully enclosed rigid containers in vehicle compartments. Medical waste shall be
2 transported off-site only to a permitted medical waste treatment facility, a permitted transfer
3 station, or a permitted large quantity generator for the purpose of consolidation before
4 treatment and disposal pursuant to this Article and the Act; provided that, no large quantity
5 generator shall accept off-site medical waste for purposes of consolidation before treatment
6 and disposal without written permission from the Director or as provided in a permit under this
7 Article.

8 (1) No person shall transport medical waste in the same vehicle with other
9 waste unless the medical waste is separately contained in rigid containers or kept separate by
10 barriers from other waste, unless all of the waste is to be handled as medical waste under this
11 Article.

12 (2) Any persons manually loading or unloading containers of medical waste
13 shall be provided by their employer at the beginning of each shift with, and shall be required to
14 wear, clean and protective gloves and coveralls, changeable lab coats, or other protective
15 clothing.

16 (b) Application for Exemption. Small quantity generators may apply to the Director
17 for an off-site limited-quantity hauling exemption, if the generator meets all of the following
18 requirements:

19 (1) The generator generates less than 20 pounds of medical waste per week,
20 transports less than 20 pounds of medical waste at any one time, and has a management
21 plan pursuant to Subsection 1504(d) or an information document pursuant to Subsection
22 1505(b) on file in the Director's office.

23 (2) The generator transports the waste himself or herself, or directs a member
24 of his or her staff to transport the waste, to a permitted medical waste treatment facility or a
25 permitted transfer station before consolidation or treatment and disposal.

1 (3) The generator maintains a tracking document.

2 (A) Any person transporting medical waste off-site in a vehicle shall
3 have a tracking document in his or her possession while transporting the waste.

4 (B) The original tracking document shall be provided to the facility
5 receiving the medical waste.

6 (c) Issuance of Hauling Exemption; Fee. The Director may issue or modify small
7 quantity generator hauling exemptions with such conditions as necessary to protect public
8 health and welfare. Every applicant for an exemption shall pay a fee of ~~\$107 for fiscal year 2004~~
9 ~~(beginning July 1, 2004), \$133 for fiscal year 2005 (beginning July 1, 2005), \$161 for fiscal year 2006~~
10 ~~(beginning July 1, 2006); \$ 175~~ in addition to the small quantity generator registration fee under
11 Section 1504 or the nonregistrant fee under Section 1505.

12 Section 5. The San Francisco Health Code is hereby amended by amending Section
13 1507 to read as follows:

14 **SEC. 1507. PERMIT REQUIREMENTS FOR COMMON STORAGE FACILITIES.**

15 (a) Permit Requirement. Every common storage facility shall have a permit issued by
16 the Director. A permit for any common storage facility may be obtained by any one of the
17 following:

18 (1) A provider of health care as defined in Section 56.05(d) of the Civil Code;

19 (2) The hazardous waste hauler responsible for collection of medical waste
20 from the common storage facility;

21 (3) The property owner;

22 (4) The property management firm responsible for providing tenant services to
23 the medical waste generators.

24 (b) Permit Application Deadlines. Any person under Subsection 1507(a) responsible
25 for the operation of a common storage facility shall apply for a permit from the Director within

1 120 days of the effective date of this Article, where the storage of medical waste in the
2 common storage facility began prior to that date. In those cases where the storage of medical
3 waste begins after the effective date of this Article, a permit application shall be submitted to
4 the Director and issued prior to commencement of storage of medical waste in the common
5 storage facility. The Director is authorized to take enforcement action against unpermitted
6 common storage facilities under Section 1512.

7 (c) Permit Issuance and Denial Process. The Director shall issue, renew, modify or
8 deny common storage facility permits after notice and an opportunity for a hearing under
9 Section 1503. The Director shall hold a hearing upon request of the applicant or any
10 interested person. Permit application forms shall be prescribed by the Director.

11 (d) Fee for Common Storage Facility Permits. The annual permit fee for a common
12 storage facility permitted pursuant to this Section is the amount specified in the following
13 schedule:

14 (1) For storage facilities serving 10 or fewer generators, the permit fee is ~~\$268~~
15 ~~for fiscal year 2004 (beginning July 1, 2004), \$333 for fiscal year 2005 (beginning July 1, 2005), \$403~~
16 ~~for fiscal year 2006 (beginning July 1, 2006).~~ \$438.

17 (2) For storage facilities serving 11 to 49 generators, the permit fee is ~~\$428 for~~
18 ~~fiscal year 2004 (beginning July 1, 2004), \$531 for fiscal year 2005 (beginning July 1, 2005), \$643 for~~
19 ~~fiscal year 2006 (beginning July 1, 2006).~~ \$699.

20 (3) For storage facilities serving 50 or more generators, the permit fee is ~~\$536~~
21 ~~for fiscal year 2004 (beginning July 1, 2004), \$664 for fiscal year 2005 (beginning July 1, 2005), \$803~~
22 ~~for fiscal year 2006 (beginning July 1, 2006).~~ \$873.

23 Section 6. The San Francisco Health Code is hereby amended by amending Section
24 1508 to read as follows:

1 **SEC. 1508. REGISTRATION REQUIREMENTS FOR LARGE QUANTITY**
2 **GENERATORS.**

3 (a) Registration Requirements. Each large quantity generator, except as specified in
4 paragraphs (1) and (2), shall register with the Director. Large quantity generators owning or
5 operating an on-site medical waste treatment facility shall also apply for a permit for that
6 treatment facility pursuant to Section 1509.

7 (1) Large quantity generators operating as a business in the same building, or
8 which are associated with a group practice in the same building, may register as one
9 generator.

10 (2) Large quantity generators as specified in Paragraph (1), operating in
11 different buildings on the same or adjacent property, or as approved by the Director, may
12 register as one generator.

13 (3) "Adjacent" for purposes of Paragraph (2), means real property within 400
14 yards from the property boundary of the primary registration site.

15 (b) Registration Deadline. Large quantity generators subject to Subsection 1508(a)
16 shall register with the Director and pay the required fee no later than 120 days after the
17 effective date of this Article. In those cases where the generation of medical waste begins
18 after the effective date of this Article, registration shall be completed prior to commencement
19 of the generation of medical waste.

20 (c) Registration by Filing Management Plan. Any large quantity generator required to
21 register pursuant to Subsection 1508(a) shall file with the Director a medical waste
22 management plan, on forms prescribed by the Director containing, but not limited to, all of the
23 following:

24 (1) The name of the person responsible for operation of the large quantity
25 generator, or with direct responsibility for management of medical waste;

1 (2) The business address and telephone number of the person in Paragraph
2 (1);

3 (3) The type of business;

4 (4) The types, and the estimated average monthly quantity, of medical waste
5 generated;

6 (5) The type of treatment used on-site, if applicable. For generators with on-
7 site medical waste treatment facilities, including incinerators or steam sterilizers or other
8 treatment facilities as determined by the Director, the treatment capacity of the on-site
9 treatment facility;

10 (6) The name and business address of the hazardous waste hauler used by
11 the generator to have untreated medical waste removed for treatment, if applicable;

12 (7) The name and business address of the hazardous waste hauler service
13 provided by the building management to which the building tenants may subscribe or are
14 required by the building management to subscribe, if applicable;

15 (8) The name and business address of the off-site medical waste treatment
16 facility to which any medical waste is being hauled, if applicable;

17 (9) An emergency action plan complying with regulations adopted by the
18 Director and approved by the department, if applicable;

19 (10) A statement certifying that the information provided is complete and
20 accurate.

21 (d) Inspections. Every large quantity generator shall be subject to at least annual
22 inspection by the Director.

23 (e) Duration of Registration; Renewal and Update of Information. Each large quantity
24 generator registration issued by the Director shall be valid for one year.

25

1 (1) An application for renewal of the registration shall be filed with the Director
2 not less than 90 days prior to the expiration date. Failure to meet this requirement shall result
3 in assessment of a late fee.

4 (2) Every large quantity generator shall submit an updated application form
5 within 30 days of any change in the medical waste management plan information specified in
6 Subsection (c) above.

7 (f) Recordkeeping Requirements. Any large quantity generator required to register
8 pursuant to this Section shall maintain individual treatment and tracking records, including
9 tracking documents if applicable, for three years or for the period specified in the Director's
10 regulations.

11 (g) Containment and Storage Requirements. Containment and storage of medical
12 waste shall be in accordance with Section 1511.

13 (h) Waste Treatment Requirements. Treatment of medical waste shall be in
14 accordance with Section 1511.

15 (i) Annual Fee For Large Quantity Generators. The registration and annual fee for
16 large quantity generators shall be set in following amounts:

17 (1) A general acute care hospital, as defined in Subdivision (a) of Section
18 1250, Division 2, Chapter 2 of the Health and Safety Code, which has one or more beds, but
19 not more than 99 beds, shall pay ~~\$643 for fiscal year 2004 (beginning July 1, 2004), \$797 for fiscal~~
20 ~~year 2005 (beginning July 1, 2005), \$964 for fiscal year 2006 (beginning July 1, 2006)~~ \$1048; a
21 facility with 100 or more beds, but not more than 199 beds, shall pay ~~\$964 for fiscal year 2004~~
22 ~~(beginning July 1, 2004), \$1195 for fiscal year 2005 (beginning July 1, 2005), \$1446 for fiscal year~~
23 ~~2006 (beginning July 1, 2006)~~ \$1573; a facility with 200 or more beds, but not more than 250
24 beds shall pay ~~\$1285 for fiscal year 2004 (beginning July 1, 2004), \$1594 for fiscal year 2005~~
25 ~~(beginning July 1, 2005), \$1928 for fiscal year 2006 (beginning July 1, 2006)~~ \$2097; and a facility

1 with 251 or more beds shall pay ~~\$1821 for fiscal year 2004 (beginning July 1, 2004), \$2258 for~~
2 ~~fiscal year 2005 (beginning July 1, 2005), \$2732 for fiscal year 2006 (beginning July 1, 2006)~~ \$2971.

3 (2) A specialty clinic, providing surgical, dialysis, or rehabilitation services, as
4 defined in Subdivision (b) of Section 1204, Division 2, Chapter 1 of the Health and Safety
5 Code, shall pay ~~\$750 for fiscal year 2004 (beginning July 1, 2004), \$930 for fiscal year 2005~~
6 ~~(beginning July 1, 2005), \$1125 for fiscal year 2006 (beginning July 1, 2006)~~ \$1224.

7 (3) A skilled nursing facility, as defined in Subdivision (c) of Section 1250,
8 Division 2, Chapter 2 of the Health and Safety Code, which has one or more beds, but not
9 more than 99 beds shall pay ~~\$321 for fiscal year 2004 (beginning July 1, 2004), \$398 for fiscal year~~
10 ~~2005 (beginning July 1, 2005), \$482 for fiscal year 2006 (beginning July 1, 2006)~~ \$524; a facility with
11 100 or more beds, but not more than 199 beds shall pay ~~\$428 for fiscal year 2004 (beginning~~
12 ~~July 1, 2004), \$531 for fiscal year 2005 (beginning July 1, 2005), \$643 for fiscal year 2006 (beginning~~
13 ~~July 1, 2006)~~ \$699; and a facility with 200 or more beds shall pay ~~\$536 for fiscal year 2004~~
14 ~~(beginning July 1, 2004), \$664 for fiscal year 2005 (beginning July 1, 2005), \$803 for fiscal year 2006~~
15 ~~(beginning July 1, 2006)~~ \$873.

16 (4) An acute psychiatric hospital, as defined in Subdivision (b) of Section
17 1250, Division 2, Chapter 2 of the Health and Safety Code, shall pay ~~\$750 for fiscal year 2004~~
18 ~~(beginning July 1, 2004), \$930 for fiscal year 2005 (beginning July 1, 2005), \$1125 for fiscal year 2006~~
19 ~~(beginning July 1, 2006)~~ \$1224.

20 (5) An intermediate care facility, as defined in Subdivision (d) of Section 1250,
21 Division 2, Chapter 2 of the Health and Safety Code, shall pay ~~\$750 for fiscal year 2004~~
22 ~~(beginning July 1, 2004), \$930 for fiscal year 2005 (beginning July 1, 2005), \$1125 for fiscal year 2006~~
23 ~~(beginning July 1, 2006)~~ \$1224.

24 (6) A primary care clinic, as defined in Section 1200.1, Division 1, Chapter 1
25 of the Health and Safety Code, shall pay ~~\$750 for fiscal year 2004 (beginning July 1, 2004), \$930~~

1 ~~for fiscal year 2005 (beginning July 1, 2005), \$1125 for fiscal year 2006 (beginning July 1, 2006)~~
2 \$1224.

3 (7) A licensed clinical laboratory, as defined in Paragraph (3) of Subdivision
4 (a) of Section 1206, of the Business and Professions Code, shall pay ~~\$321 for fiscal year 2004~~
5 ~~(beginning July 1, 2004), \$398 for fiscal year 2005 (beginning July 1, 2005), \$482 for fiscal year 2006~~
6 ~~(beginning July 1, 2006)~~ \$524.

7 (8) A health care service plan facility, as defined in Subdivision (f) of Section
8 1345, Division 2, Chapter 2.2 of the Health and Safety Code, shall pay ~~\$750 for fiscal year 2004~~
9 ~~(beginning July 1, 2004), \$930 for fiscal year 2005 (beginning July 1, 2005), \$1125 for fiscal year 2006~~
10 ~~(beginning July 1, 2006)~~ \$1224.

11 (9) A veterinary clinic or veterinary hospital shall pay ~~\$321 for fiscal year 2004~~
12 ~~(beginning July 1, 2004), \$398 for fiscal year 2005 (beginning July 1, 2005), \$482 for fiscal year 2006~~
13 ~~(beginning July 1, 2006)~~ \$524.

14 (10) A large quantity generator medical office shall pay ~~\$321 for fiscal year~~
15 ~~2004 (beginning July 1, 2004), \$398 for fiscal year 2005 (beginning July 1, 2005), \$482 for fiscal year~~
16 ~~2006 (beginning July 1, 2006)~~ \$524.

17 Section 7. The San Francisco Health Code is hereby amended by amending Section
18 1509 to read as follows:

19 **SEC. 1509. PERMIT REQUIREMENTS FOR ON-SITE MEDICAL WASTE**
20 **TREATMENT FACILITIES.**

21 (a) Permit Requirement; Inspections. All on-site medical waste treatment facilities
22 shall be permitted and inspected by the Director pursuant to this Section.

23 (b) Permit Application Deadlines. Within 120 days of the effective date of this Article,
24 each person owning or operating a medical waste treatment facility shall apply for a permit
25 pursuant to this Section. If the medical waste treatment facility begins operation after the

1 effective date of this Article, the permit shall be obtained pursuant to this Section prior to
2 commencement of the treatment facility's operation. Registered small quantity generators
3 shall obtain a permit if required by the Director pursuant to Subsection 1504(e).

4 (c) Medical Waste from Adjacent Small Quantity Generators. A health care facility
5 accepting medical waste for treatment from small quantity generators located on property
6 adjacent to the facility shall be classified as an on-site treatment facility. The word "adjacent"
7 as used in this subsection means real property within 400 yards of the property boundary of
8 the health care facility accepting medical waste for treatment.

9 (d) Permit Application. Any person required to obtain a permit pursuant to this
10 Section shall file an application on forms prescribed by the Director, containing, but not limited
11 to, all of the following information:

12 (1) The name of the applicant;

13 (2) The business address of the applicant;

14 (3) The type of treatment provided, the treatment capacity of the facility, a
15 characterization of the waste treated at this facility, and the estimated average monthly
16 quantity of waste treated at the facility;

17 (4) A disclosure statement, as provided in Section 25112.5 of the California
18 Health and Safety Code;

19 (5) Evidence satisfactory to the Director that the operator of the medical waste
20 treatment facility has the ability to comply with this Article and other requirements of State or
21 local law;

22 (6) Any other information required by the Director for the administration or
23 enforcement of this Article.

24 (e) Issuance or Renewal of Permit; Grounds for Denial.
25

1 (1) Prior to issuing or renewing a permit under this Section, the Director shall
2 review the compliance history of the applicant, under any local, state, or federal law or
3 regulation governing the control of medical waste or pollution.

4 (2) The Director shall, pursuant to this Section, deny a permit, or specify
5 additional permit conditions, to ensure compliance with applicable laws and regulations, if the
6 Director determines that in the three- year period preceding the date of application the
7 applicant has violated laws or regulations identified in Paragraph (1) at a facility owned or
8 operated by the applicant, and the violations demonstrate a recurring pattern of
9 noncompliance or pose, or have posed, a significant risk to public
10 health and safety or to the environment.

11 (3) In addition to any other information required to be submitted for the
12 permitting of a facility pursuant to this Section, an applicant who has owned or operated a
13 facility regulated by the Director shall provide a description of all violations described in
14 Paragraph (1), which occurred at any facility permitted and owned or operated by the
15 applicant in the City and County of San Francisco in the three years prior to the date of
16 application.

17 (4) In making the determination of whether to deny a permit or to specify
18 additional permit conditions pursuant to Paragraph (2), the Director shall take both of the
19 following into consideration:

20 (A) Whether a permit denial or permit condition is appropriate or
21 necessary given the severity of the violation;

22 (B) Whether the violation has been corrected in a timely fashion.

23 (f) Recordkeeping Requirements.

24 (1) The Director shall evaluate, inspect, and review the records of on-site
25 medical waste treatment facilities for compliance with this Article. Commencing on the thirtieth

1 day after the effective date of this Article, all persons operating an on- site medical waste
2 treatment facility shall maintain individual records for a period of three years and shall report
3 or submit to the Director upon request, all of the following information:

4 (A) The type of treatment facility and its capacity;

5 (B) All treatment facility operating records;

6 (C) If applicable, copies of the tracking documents for all medical waste
7 it receives for treatment from off-site generators or from hazardous waste haulers.

8 (g) Duration, Renewal and Transfer of Permits.

9 (1) A medical waste permit issued by the Director to a medical waste
10 treatment facility shall be valid for five years.

11 (2) An application for renewal of the permit shall be filed with the Director not
12 less than 90 days prior to the expiration date. If a permittee fails to make a timely application
13 for renewal, the medical waste permit shall expire on the expiration date.

14 (3) A medical waste permit may be renewed if the Director finds the permittee
15 has been in substantial compliance with this Article and any regulations adopted pursuant
16 hereto during the preceding permitted period, or that the permittee corrected
17 previous violations in a timely manner.

18 (4) Upon approval of the Director, a permit may be transferred from one
19 subsidiary to another subsidiary of the same corporation, from a parent corporation to one of
20 its subsidiaries or from a subsidiary to a parent corporation.

21 (h) Termination of Permit Prior to Expiration Date. A person required to obtain a
22 medical waste permit shall at all times, possess a valid permit for each facility in operation. A
23 medical waste permit shall terminate prior to its expiration date if suspended or revoked
24 pursuant to Section 1512 or, notwithstanding Section 1512, if either of the following occurs:
25

1 (1) The permittee sells or otherwise transfers the facility except as specified in
2 Paragraph (g)(4) of this Section;

3 (2) The permittee surrenders the permit to the Director because the permittee
4 ceases operation.

5 (i) Permit Issuance Procedures.

6 (1) Permits shall be issued, renewed, denied or modified only after notice and
7 a hearing pursuant to Subsection 1503(b).

8 (2) The Director shall issue a medical waste permit upon evaluation,
9 inspection, or records review of the applicant if the applicant is in substantial compliance with
10 this Article and the applicant has corrected any previous violations. A decision to issue or not
11 to issue the permit shall be made by the Director within 120 days of the time that the
12 application is filed, unless waived by the applicant.

13 (j) Permit Provisions. When issuing, renewing, or revising any treatment facility
14 permit, the Director may prohibit or condition the handling or treatment of medical waste to
15 protect public health and safety.

16 (k) Fees for Medical Waste Treatment Facilities.

17 (1) The annual permit fee for an on-site treatment facility shall be set at the
18 following amount:

19 (A) The fee for an autoclave is ~~\$321 for fiscal year 2004 (beginning July 1,~~
20 ~~2004), \$398 for fiscal year 2005 (beginning July 1, 2005), \$482 for fiscal year 2006 (beginning July 1,~~
21 ~~2006)~~ \$524.

22 (B) The fee for an incinerator or other approved technology is ~~\$340~~\$353.

23 (C) The Director shall charge an application fee for an on-site
24 treatment facility equal to ~~\$142 for fiscal year 2004 (beginning July 1, 2004), \$155 for fiscal year~~

25

1 ~~2005 (beginning July 1, 2005), \$167 for fiscal year 2006 (beginning July 1, 2006)~~ \$166 for each hour
2 spent processing the application.

3 Section 8. The San Francisco Health Code is hereby amended by amending Section
4 1513 to read as follows:

5 **SEC. 1513. INSPECTION AND INVESTIGATION FEES.**

6 (a) Notwithstanding any other provision of this Article, the Director may conduct an
7 investigation and an inspection pursuant to Section 1512 whenever information is received
8 that any medical waste generator or any person is in violation of this Article. The Director may
9 require any person subject to this Article to pay an inspection and investigation fee equal to
10 ~~\$142 for fiscal year 2004 (beginning July 1, 2004), \$155 for fiscal year 2005 (beginning July 1, 2005),~~
11 ~~\$167 for fiscal year 2006 (beginning July 1, 2006)~~ \$167 for each hour or portion thereof spent by
12 the Department of Public Health in conducting such activities.

13 (b) A notice of payment due shall be sent by the Director to the medical waste
14 generator and the owner of the property inspected, advising of the amount of any fee and
15 containing the following information:

16 (1) The date and location of the Director's investigation and inspection
17 activities;

18 (2) The amount of the fee;

19 (3) A statement advising the generator and property owner that he or she is
20 liable under this Article for the fee in the amount indicated in the notice and that payment to
21 the City is due within 30 days of the mailing date of the notice;

22 (4) A statement advising the generator and property owner that a penalty of
23 10 percent plus interest at the rate of one percent per month on the outstanding balance shall
24 be added to the costs from the date that payment is due under Subsection (b)(3);

25

1 (5) A statement advising the property owner that if payment of the costs is not
2 received within 90 days of the mailing date, a lien may be imposed on the property of the
3 owner where the generator is located, or where the violation occurred, pursuant to the
4 provisions of this Section;

5 (6) A statement that the generator or property owner may appeal the fee
6 determination contained in the notice of payment due to the Director. Said appeal must be
7 filed in writing with the Director no later than 30 days after the date the notice of payment due
8 is issued. The Director's decision on the appeal shall be final.

9 (c) If full payment of the costs is not received within 30 days after the notice of
10 payment due was sent, a second notice of payment due shall be sent by the Director to the
11 generator and property owner. The second notice shall state that the generator and property
12 owner are liable for the payment of the costs indicated on the notice.

13 (d) If full payment of the costs is not received within 30 days after the second notice
14 of payment due was sent, a third (and final) notice of payment due shall be sent by the
15 Director to the generator and property owner. The third notice shall state that the generator
16 and property owner are liable for the payment of the costs indicated on the notice and that if
17 payment of such costs is not received within 30 days of the mailing date of the third notice,
18 lien proceedings may be initiated against the subject property pursuant to the provisions of
19 this Article.

20 (e) If payment is not received within 30 days following mailing the third notice, the
21 Department shall initiate lien proceedings pursuant to the provisions of Article XX of Chapter
22 10 of the San Francisco Administrative Code.

23 Section 9. The San Francisco Health Code is hereby amended by amending Section
24 1514 to read as follows:

25 **SEC. 1514. FEES.**

1 Beginning with fiscal year 2007-2008, no later than April 15 of each year, the Controller shall
2 adjust the fees provided in this Article to reflect changes in the relevant Consumer Price Index, without
3 further action by the Board of Supervisors. In adjusting the fees, the Controller may round these fees
4 up or down to the nearest dollar, half-dollar or quarter-dollar. The Director shall perform an annual
5 review of the fees scheduled to be assessed for the following fiscal year and shall file a report with the
6 Controller no later than May 1st of each year, proposing, if necessary, an adjustment to the fees to
7 ensure that costs are fully recovered and that fees do not produce significantly more revenue than
8 required to cover the costs of operating the program. The Controller shall adjust fees when necessary
9 in either case.

10 ~~FEES. Fees as provided for in this Article for fiscal years subsequent to 2006 shall be adjusted~~
11 ~~each year from those charged the previous fiscal year based on cost of living allowances (COLA)~~
12 ~~without further action by the Board of Supervisors. The Director will perform an annual review of the~~
13 ~~fees scheduled to be assessed the following fiscal year. Should this review determine that any of the~~
14 ~~scheduled fee revenues exceed program costs, a report will be filed with the Board of Supervisors no~~
15 ~~later than May 15 along with a proposed ordinance readjusting the fees as necessary to ensure that the~~
16 ~~fees do not produce more revenue than required to recover the costs of operating the program.~~

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 Cecilia T. Mangoba
22 Deputy City Attorney
23
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