

File No. 180646

Committee Item No. 10

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget & Finance Committee

Date November 15, 2018

Board of Supervisors Meeting

Date \_\_\_\_\_

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Completed by: Linda Wong

Date November 9, 2018

Completed by: Linda Wong

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.

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

14 Section 1. Environmental Findings.

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

21 Section 2. Findings.

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

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~~material recovery if it is to achieve its adopted goal of zero waste.

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

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

1 (e) Zero Waste Facilitators have helped these accounts improve compliance with  
2 Chapter 19, achieve refuse rate discounts, and contribute to improved waste diversion material  
3 recovery Citywide. A detailed analysis of the results from 9 accounts that employ Zero Waste  
4 Facilitators found that on average, these accounts reduced trash service by 66%, increased  
5 their recycling and composting by over 150%, increased diversion recovery by 30%, up to an  
6 average 75% diversion recovery rate, and procured refuse rate discounts resulting in a net  
7 cost savings of 25%.

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

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

15  
16 Section 3. The Environment Code is hereby amended by revising Section 1902, as  
17 follows:

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

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

22 "Audit" means a thorough and systematic visual inspection of the contents of refuse collection  
23 container(s) upon their removal from the container which may be conducted through analysis of  
24 representative sample(s) that results a finding of the approximate percentages of contaminants or  
25 materials not appropriate for that type of container (i.e., recyclables, compostables, or trash).

1            “Large Refuse Generator” means a commercial property refuse account holder, or a City-  
2 owned and operated facility in the City, that has roll-off compactor service or generates 3040 cubic  
3 yards or more of uncompacted refuse per week. Where a roll-off or other compactor is used, the  
4 volume of compacted refuse shall be multiplied times three to account for its compaction.

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

10  
11            Section 3. The Environment Code is hereby amended by revising Sections 1906,  
12 1908, and 1909, and 1910 to read as follows:

13            **SEC. 1906. REQUIREMENTS FOR REFUSE COLLECTORS, TRANSFER**  
14 **STATIONS, AND PROCESSING FACILITIES.**

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

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

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

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

23            (b) (1) If a collector finds materials that are not the correct type as designated for  
24 that container, such as recyclables or compostables in a trash container, or trash in a  
25

1 compostables or recyclables container, the collector then must leave a tag on the container  
2 identifying the incorrect materials.

3 (2) If the collector continues to find incorrect materials in a collection container  
4 after the collector has left a previous tag for that customer and that type of container, the  
5 collector must leave another tag on the container identifying the incorrect materials and send  
6 a written notice to the person who subscribes for that collection service.

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

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

22 (c) Periodic Large Refuse Generator Audits. The Director or collector shall complete an  
23 Audit of every Large Refuse Generator for compliance with this Chapter 19 not less than once every  
24 thirty monthsthree years. City departments that are Large Refuse Generators shall be subject  
25 to Audits in the months from July through January only.

1           (d) Audit Findings. The Director shall find that a Large Refuse Generator is out of  
2 compliance with this Chapter 19 pursuant to an Audit of the contents of its collector-serviced refuse  
3 collection containers, if materials are found that do not belong in a designated collection container and  
4 are at a contamination level that either significantly impacts the ability to process and market the  
5 materials, or results in the significant loss of compostables or recyclables found in a collection  
6 container. The report for each failed audit shall include photographs of the contamination and a  
7 description of how the contamination exceeds the Director's compliance threshold. The report may  
8 identify commercial tenant(s) whom Audit findings suggest are responsible for or have  
9 contributed to the contamination resulting in a Large Refuse Generator's noncompliance with  
10 this Chapter. Guidelines for the contamination threshold for Large Refuse Generators' compliance  
11 with this Chapter 19 shall be set and maintained by the Director based on market conditions and  
12 processing capabilities, and as needed to meet the City's progress toward zero-waste benchmarks.  
13 The Director shall review and revise these guidelines on an annual or more frequent basis  
14 needed not more than once per year in furtherance of the objectives of this Chapter.

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

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

23           (2) The notice and order shall state the requirements and 4560-day deadline in Section  
24 1906(f), and prescribe an adequate capacity of Zero Waste Facilitator(s) based on the Audit  
25 findings and in accordance with regulations.

1                   (3) The notice and order may also mandate additional remedial steps and a timeline for  
2                   response and/or compliance as the Director deems appropriate, in his or her lawful discretion  
3                   and in furtherance of the objectives of this Chapter 19. The Director may make use of any  
4                   relevant information or evidence, including information provided by the Collector, to  
5                   determine the required remedial steps.

6                   (f) **Zero Waste Facilitator Requirement.** A Large Refuse Generator who fails an Audit under  
7                   Section 1906(c) must, within 4560 days of receipt of a Director's notice and order, and for a duration  
8                   of a minimum of 24 consecutive months, designate staff or otherwise engage person(s) whose exclusive  
9                   function is to serve as Zero Waste Facilitator(s). Such person(s) must meet minimum criteria, and be  
10                   engaged at sufficient capacity to address the Audit findings, in accordance with regulations  
11                   promulgated by the Director and as specified in the Director's notice and order. The Large Refuse  
12                   Generator must notify the Director in writing by the 4560-day deadline of its plan for compliance, and  
13                   include supporting documentation, as described in regulations. The Director may afford an  
14                   additional 60 days for Large Refuse Generators other than City departments to engage Zero  
15                   Waste Facilitator(s), based on demonstrated limited availability of Zero Waste  
16                   Facilitator(s). The Director may afford an extension longer than 60 days to City departments  
17                   based on the departments' need to seek budget authorization, provided that any department  
18                   seeking such an extension provides the Director with a written explanation of the need for  
19                   additional budgetary authority and the anticipated steps and timeline for seeking that  
20                   authority. Upon receiving the required budget authorization, the City department shall update  
21                   the Director regarding its timeline for promptly engaging a Zero Waste Facilitator. The Large  
22                   Refuse Generator shall be subject to a follow-up Audit upon expiry of the 24-month period if no earlier  
23                   compliance Audit is conducted. The Director or collector shall conduct inspections, monitor  
24                   compliance with the notice and order, and pursue enforcement in the intervening period, as permitted  
25                   under this Chapter 19.



1           (g) Compliance Audits. Notwithstanding the 24-month requirement described in Section  
2 1906(f), after 12 consecutive months of compliance with all aspects of a notice and order issued under  
3 Section 1906(e), a Large Refuse Generator may request a follow-up Audit to demonstrate compliance.  
4 Such compliance Audits shall be conducted at the Large Refuse Generator's own expense. A Large  
5 Refuse Generator that has failed its most recent Audit must provide sufficient evidence of remediation  
6 efforts alongside a request for a compliance Audit. Provided these requirements are met, the Director  
7 or collector shall complete a requested compliance Audit within a reasonable time frame. No Large  
8 Refuse Generator is entitled to more than three Audits per collection container in a single 365-day  
9 period. Where the Large Refuse Generator passes a compliance Audit and has implemented mandated  
10 remedial measures, the Director shall issue an order finding compliance and resolving the underlying  
11 notice and order. Where the Large Refuse Generator fails a compliance Audit, the Director may order  
12 additional remedial measures and/or administrative penalties in accordance with Section 1906(h).

13           (h) Enforcement of Notices of Noncompliance and Orders to Comply, and Audit Failure.  
14 The Director may impose an administrative penalty of up to \$1000 for each violation of any aspect of a  
15 Director's order issued to a Large Refuse Generator under this Chapter 19. Each day of continued  
16 noncompliance may constitute a separate violation. The Director may hold such imposed  
17 administrative penalties in abeyance, pending completion of ordered remedial steps or based on other  
18 conditions, in accordance with his or her lawful discretion and in furtherance of the objectives of this  
19 Chapter 19. A Large Refuse Generator that is a City-owned or operated facility is not subject  
20 to administrative penalties under this Section 1906(h).

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

24           (j) Upon one year from the operative date of this ordinance the ordinance in Board File No.  
25 180646 and annually thereafter, the Director shall report to the Board of Supervisors on notices and

1 orders issued to Large Refuse Generators under this Chapter 19 within the prior 12-month period. No  
2 more than 39 months after the ordinance in Board File No. 180646 becomes operative, the  
3 Director shall submit a report to the Board of Supervisors regarding its implementation to date,  
4 and may include recommended amendments to the ordinance as he or she may deem  
5 appropriate.

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

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

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

23 ~~(e)(l)~~ No person may deliver trash from the city, including trash mixed with recyclables  
24 or compostables, to a processing facility, unless the processing facility has agreed to provide  
25 to the Director, upon request, audits of collection vehicles for a specified period going forward

1 in time. The processing facility's audit shall report the quantity of trash, stated as estimated  
2 tons per load or as a percentage of the loads, deposited at the processing facility by collection  
3 vehicles specifically identified in the request over a reasonable period of time occurring after  
4 the request.

5  
6 **SEC. 1908. ENFORCEMENT.**

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

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

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

21 (d) Except as otherwise provided in this Chapter 19, the Director of Public Works or  
22 his or her designee may impose administrative fines for violations of those provisions of this  
23 Chapter, or of any rule or regulation adopted pursuant to this Chapter, that pertain to the  
24 jurisdiction of the Department of Public Works.

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

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

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

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

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

22  
23 **SEC. 1909. FORMS, REGULATIONS AND GUIDELINES.**

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

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

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

4 **SEC. 1910. EXCEPTIONS**

5 (a) A property owner or manager may seek a waiver from the Director of all or  
6 portions of this Chapter, if the applicant submits documentation, using a form specified by the  
7 Director and including a signed affidavit under penalty of perjury, that shows that the property  
8 does not have adequate storage space for containers for recyclables, compostables or trash.  
9 In cases where after on-site verification space limitations are determined to exist, the Director  
10 shall evaluate the feasibility of sharing containers for recyclables, compostables or trash with  
11 contiguous properties, and, where feasible, requiring container sharing in lieu of providing a  
12 waiver.

13 (b) Except as otherwise required by the Director, a City agency may collect  
14 compostables and recyclables that have been placed in public trash containers, and a  
15 collector may drop-off compostables or recyclables at the San Francisco transfer station that  
16 have been collected from public trash containers. The Director may require public trash  
17 containers to have a recyclables receptacle attached.

18  
19 Section 4. Effective and Operative Dates.

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

24 (b) This ordinance shall become operative on January July 1, 2019.  
25



**LEGISLATIVE DIGEST**

[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 property refuse account holders and City-owned and operated facilities in the City that have roll-off compactor service, or generate 40 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 serving exclusively in the capacity to manage refuse material sorting and movement. 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.

AMENDED IN COMMITTEE  
11/1/18

FILE NO. 180646

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 Budget and Finance Committee on November 1, 2018, and previously at the Land Use Committee on September 17, 2018, to the substitute ordinance introduced at the Board of Supervisors on September 11, 2018. This ordinance was initially introduced at the Board of Supervisors on June 12, 2018.

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<p><b>Item 10</b>  <b>File 18-0646</b>  <i>Continued from November 1, 2018</i></p>	<p><b>Department:</b>                  Department of Environment (DOE)</p>
<p><b>EXECUTIVE SUMMARY</b></p>	
<p><b>Legislative Objectives</b></p>	
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	
<p><b>Key Points</b></p>	
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The Department of Environment found that approximately 80 percent of recyclable or compostable material is currently being recovered from San Francisco properties.</li> </ul>	
<p><b>Fiscal Impact</b></p>	
<ul style="list-style-type: none"> <li>• 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.</li> <li>• City departments could potentially realize savings on refuse costs if the use of zero waste facilitators resulted in reduced waste disposal. According to information provided by the Department of the Environment, the San Francisco Municipal Transportation Agency increased waste recovery at three maintenance yards from 29 percent to 42 percent after contracting with a zero waste facilitator, and reduced their annual disposal costs by \$116,418.</li> </ul>	
<p><b>Recommendation</b></p>	
<ul style="list-style-type: none"> <li>• Approval of the proposed ordinance is a policy matter for the Board of Supervisors.</li> </ul>	

**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 40 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 who manages refuse materials within a given property, including material sorting and transfer.

**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). However, City departments could potentially realize savings on refuse costs if the use of zero waste facilitators resulted in reduced waste disposal.

**Potential Cost of Zero Waste Facilitators**

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**

<b>Cost per Zero Waste Facilitator Staff</b>	
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

<b>Estimated Cost per Facility</b>	<b>Cost for Five Facilities</b>	
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.

**Potential Disposal Cost Savings from Zero Waste Facilitators**

According to information provided by the Department of the Environment, in 2016 the San Francisco Municipal Transportation Agency (SFMTA) hired Green Streets, a zero waste facilitator, for three of their maintenance yards. Before hiring the zero waste facilitator, the overall waste recovery rate at the three yards was 29 percent. In 2017, following engagement of the zero waste facilitator, the overall recovery rate increased to 42 percent and SFMTA reduced their annual disposal costs at the three yards by \$116,418.

**RECOMMENDATION**

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

<p><b>Item 11</b> <b>File 18-0646</b></p>	<p><b>Department:</b> Department of Environment (DOE)</p>
---	---

**EXECUTIVE SUMMARY**

**Legislative Objectives**

- 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.

**Key Points**

- 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.

**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 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.

**Recommendation**

- 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
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SFMTA		Woods Maintenance Yard	1095 Indiana
SFMTA		Green Maintenance Yard	2200 San Jose
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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**

<b>Cost per Zero Waste Facilitator Staff</b>			
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Hourly total	40		
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Annual total (2,080 hours)	\$83,200		
<b>Estimated Cost per Facility</b>		<b>Cost for Five Facilities</b>	
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:

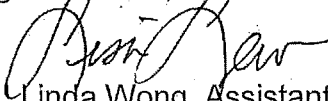
On September 17, 2018, Supervisor Safai amended the following proposed legislation:

**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

*For* 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 14:58:21 -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

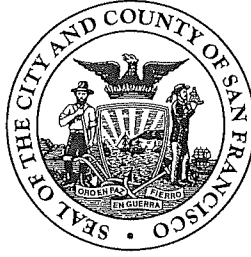
c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

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 08:39:38 -07'00'

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, 4<sup>th</sup> 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

File # 180646  
Received in Committee  
11/18  
jm



**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 San Francisco's Largest Refuse Generators



# Goal Has Driven Progress



Zero Waste goal set by Commission on the Environment



**2003**

**2006**

**2009**

**2012**

**2016**

**2017**

**2018**

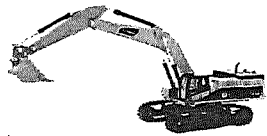
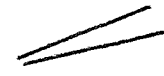
Mandatory Recycling and Composting Ordinance requiring source separation of all materials



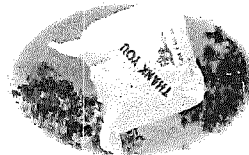
Ban on expanded polystyrene foam foodware and packaging



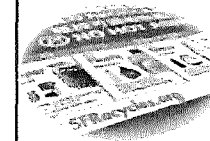
Ban on plastic straws, fluorinated chemicals, foodware on request etc



Mandatory recovery of Construction & Demolition debris



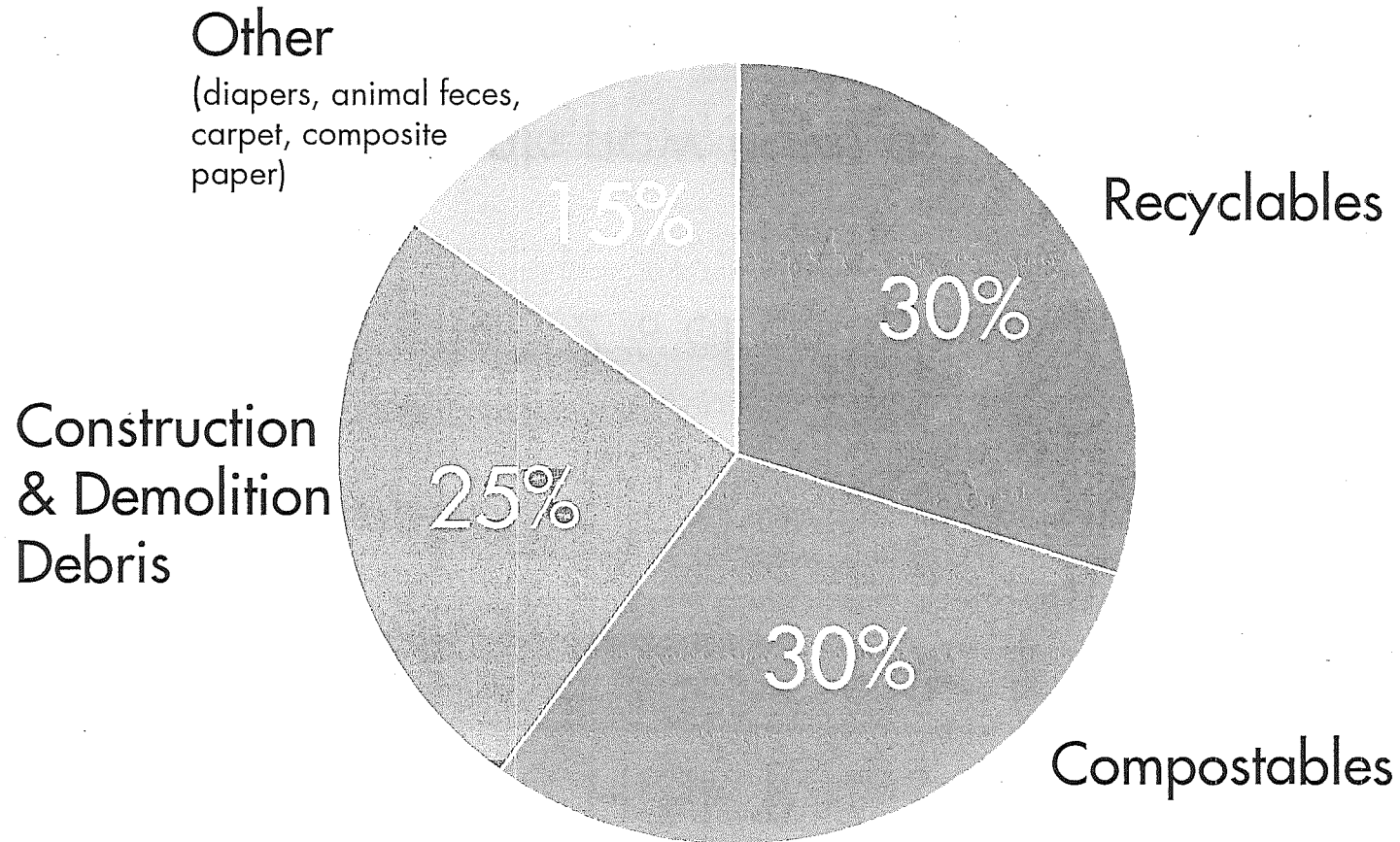
Ban on single-use plastic bags extended to all stores and restaurants



Recycling program expansion roll out

GCAS ZW Pledge to reduce generation 15% and disposal 50% by 2030

# What's Being Disposed



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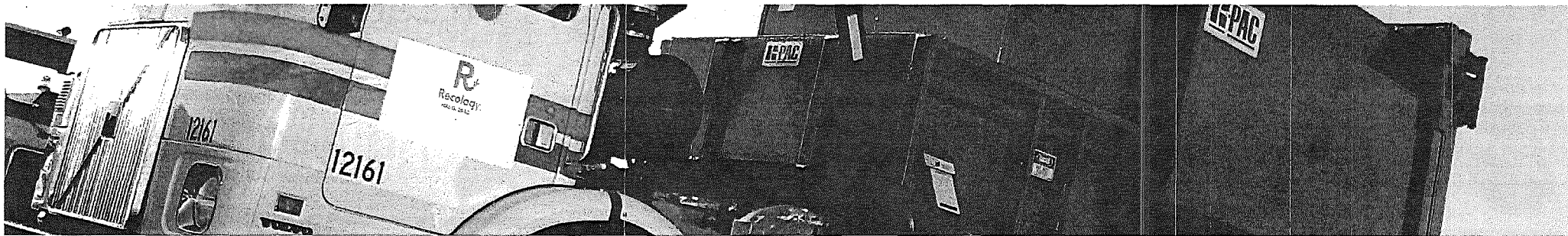
# Large Generators Have High Rates of Contamination

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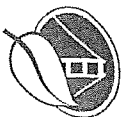
561 roll-off compactor audits:

- 77% of trash compactors had over 50% of recyclables or compostables
- 22% of recycling and 12% of composting compactors were also contaminated
- 16 compactor accounts now have extra charges





# 80+ Properties Using Zero Waste Facilitators



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# Who are the Large Refuse Generators?

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Those with either a **roll-off compactor** OR **40 cubic yards or more** of **weekly refuse service with Recology**

<u>Facility Type</u>	<u>Total</u>
Office Buildings	124
Hotels	48
Apartments	97
Retail, Mall, Wholesale, Restaurant	95
School, Univ, Hosp, Church, Food Pantry, Museum..	42
Convention, Theater, Stadium, Club, Ferry..	9
Industrial	2
State and Federal Buildings	5
City Properties	15
<b>TOTAL FACILITIES</b>	<b>437</b>

# Our Commitment to City Departments



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# Budget & Finance Impact Report

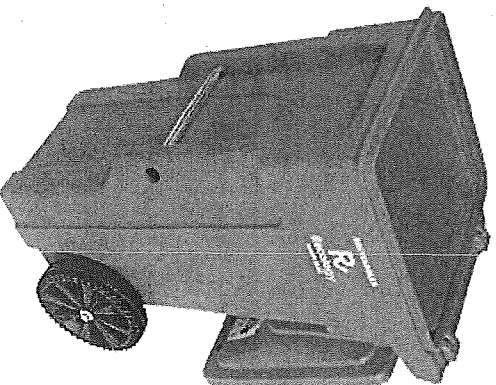
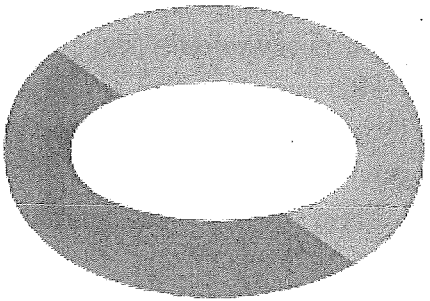
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- 5 facilities may need extra work to pass audit
- Can designate existing staff or make new hires if needed
- Impact of up to \$416,000 to \$832,000 per year, with 1 to 2 new FTE staff @ \$40/hr times 5 facilities
- Costs do not include recovery discount rate savings or avoiding contamination charges



In Closing...



**Jack Macy**  
**Commercial Zero Waste Senior Coordinator**  
**SF Department of the Environment**

Port of San Francisco  
November 1, 2018

### Recommended Approach to Amending Refuse Separation Compliance Ordinance

The Port strongly supports Supervisor Safai's ordinance to help the city achieve its zero waste goals. The Port has some unique properties at the Port including, AT&T Park, the Ferry Building, and Pier 39 ferry. In order to help these and other tenants meet the purposes of the legislation, we have two proposals. The first would delegate to the Director of the Department of the Environment the ability to impose other enforcement actions. The second proposal would treat public trash cans in BCDC dedicated public access areas the same as public trash containers elsewhere in the city under an existing exemption in the environment code.

#### Proposal #1

In Section F, under "Zero Waste Facilitator Requirement," add language to the effect of:

"If the Director, through her findings, determines that a Zero Waste Facilitator would not bring the Large Refuse Generators into compliance, or determines that other factors prevent Zero Waste Facilitators from being effective, the Director may prescribe other enforcement actions to help Large Refuse Generator comply."

#### Proposal #2

This proposal would amend an existing exemption for public cans in Environment Code:

Chapter 19, Section 1902 would be amended as follows:

(u) "Public Trash Container" means any receptacle installed by a public agency at a sidewalk, park or other public area and that is not under the control, unless otherwise required by this Chapter, of a multifamily or commercial property, food vendor or event manager, or public cans placed by a private entity in an area designated as dedicated public access by the San Francisco Bay Conservation and Development Commission.

Thank you for your consideration.



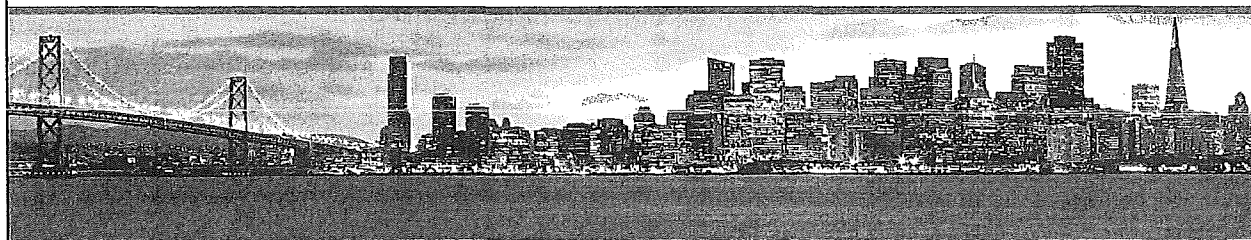
**SF Environment**

Our home. Our city. Our planet.

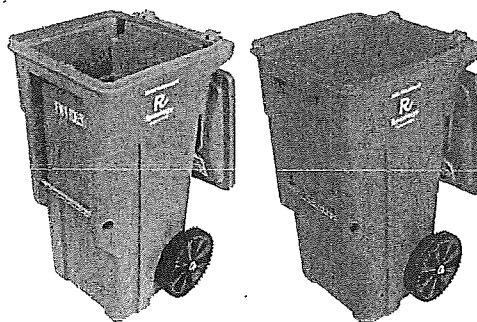
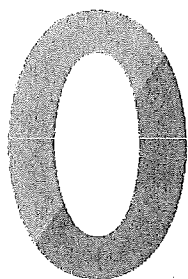
A Department of the City and County of San Francisco

# 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

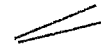
2012

Ban on expanded polystyrene foam foodware and packaging

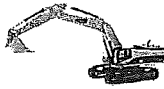
2016

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

2017



2018



Mandatory recovery of Construction & Demolition debris



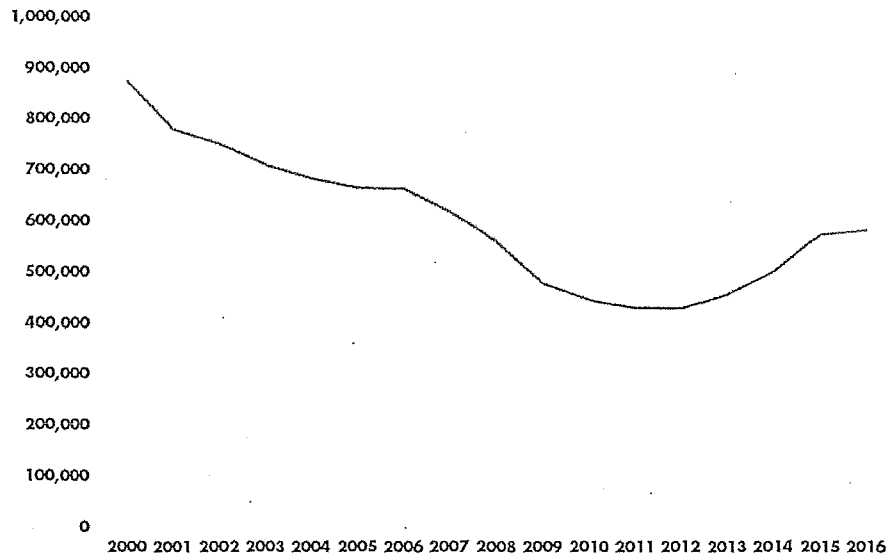
Ban on single-use plastic bags extended to all stores and restaurants



Recycling program expansion roll out

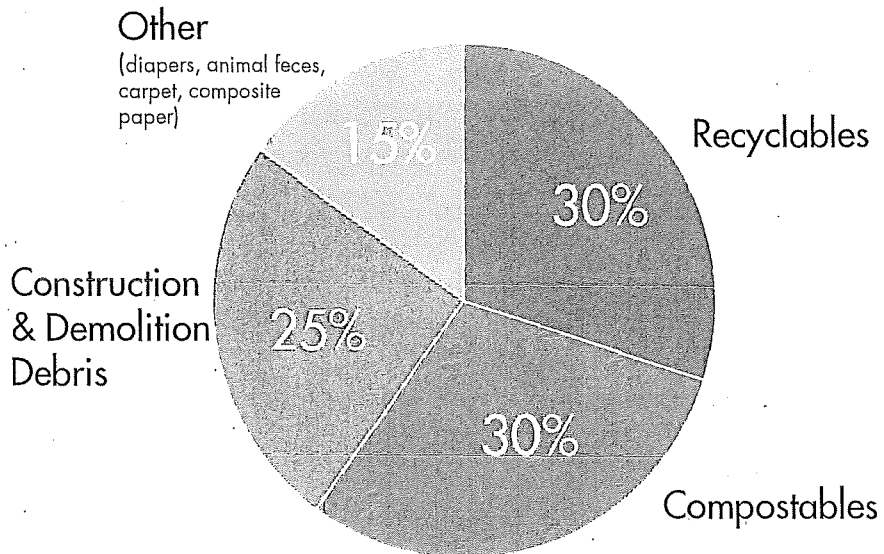
GCAS ZW Pledge to reduce generation 15% and disposal 50% by 2030

# Total Tons Disposed

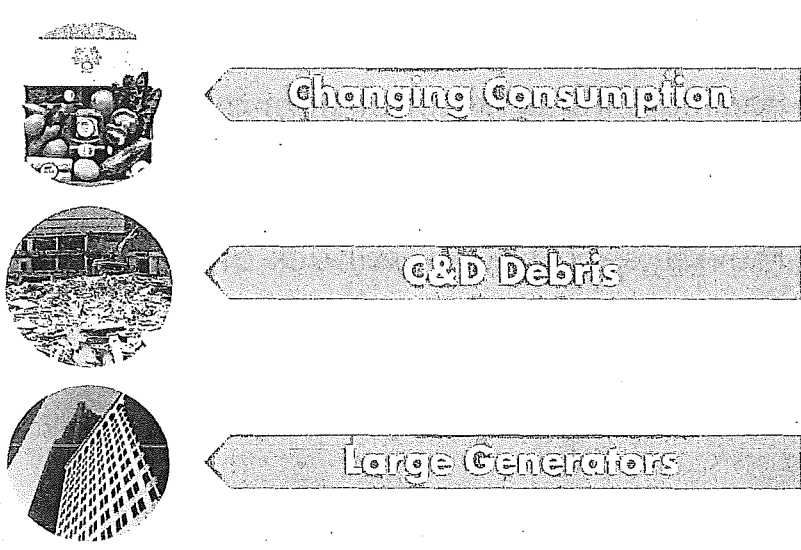




# What's Being Disposed



# 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?

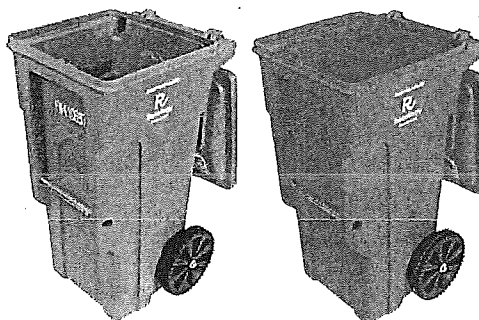
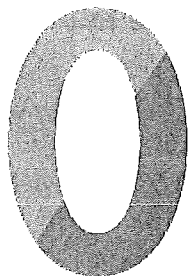


Large generators are those with either a **roll-off compactor** or **30 cubic yards or more** of **weekly refuse service**

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
<b>TOTAL FACILITIES</b>	<b>548</b>



## In Closing...



Debbie Raphael,  
 Director, SF Department of the Environment

180646

RECEIVED 9/17/18  
IN COMMITTEE

— supervisor Astha  
Safai

- 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, 4<sup>th</sup> 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



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,  
PSN's clerk, Dep City  
LU clerk, Dep City  
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. \_\_\_\_\_  
Title. \_\_\_\_\_ (Primary Sponsor)

Transferring (Board Rule No 3.3)

File No. 180646 Safai  
Title. \_\_\_\_\_ (Primary Sponsor)

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)

Malia Cohen, President  
Board of Supervisors

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

**Wong, Linda (BOS)**

---

**From:** Dick-Endrizzi, Regina (ECN)  
**Sent:** Wednesday, October 31, 2018 12:41 AM  
**To:** Sandoval, Suhagey (BOS); Safai, Ahsha (BOS)  
**Cc:** Wong, Linda (BOS)  
**Subject:** SBC Response to 180646  
**Attachments:** 180646\_SBClegislativeresponse\_Refuse Separation Compliance.pdf

Dear Supervisor Safai and Suha,

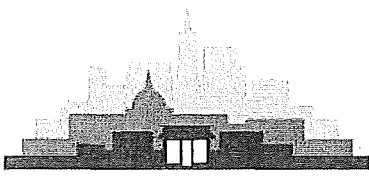
Attached is the Small Business Commission's response from the October 22 meeting regarding BOS 180646. I understand that this item is being heard at Budget and Finance on Thursday. I apologize but I am out of town and will not be able to attend. Suha if there you have any questions please feel free to contact me on my cell 415.902.4573.

Also I do what to encourage Supervisor Safai to contact Sam Mogannam of Bi-Brite 415.740-4603. Bi-Rite is a B-Corp and it is in their Corporation documents to be a zero waste company. Sam had trained his staff on the proper management of their refuse. He has noted that near to impossible to pass an audit. Recology is not informing as to what the failure was, their bin just get returned with a yellow tag on it. He has not passed 5 out of his 6 audits. Also his refuse is exposed to the public. He does not see how hiring a zero waste manager is going to get him any further along since this is already part of the company ethos and a requirement for their B-Corp standing. He said he would love to work with Dept. of Environment and Recology to work with them to on developing a better solution that what is in place now.

Thank you for taking the SBC recommendations into consideration.

**Regina Dick-Endrizzi | Executive Director | Office of Small Business**

regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573



SAN FRANCISCO

**OFFICE OF SMALL BUSINESS**

CITY AND COUNTY OF SAN FRANCISCO  
LONDON N. BREED, MAYOR

OFFICE OF SMALL BUSINESS  
REGINA DICK-ENDRIZZI, DIRECTOR

Oct 26, 2018

Ms. Angela Calvillo, Clerk of the Board  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RE: Board of Supervisors File No. 180646-3 - Environment Code - Refuse Separation Compliance.

Dear Ms. Calvillo,

On October 22, 2018 the Small Business Commission (SBC) heard Board of Supervisors File No. 180646-3 - Environment Code - Refuse Separation Compliance. The SBC appreciates Supervisor Safai's desire to find solutions to accomplish San Francisco's zero waste goals. The SBC is not recommending "Disapproval" or "Approval" at this time as the Commission is not convinced that the legislation is addressing the problem in the right way but can be modified to do so. Therefore the SBC recommends Supervisor Safai and the Department of the Environment (DOE) need to 1) get more detailed data from Recology to do an assessment on the dirty waste streams and their top generators, and to develop solutions to get to the City's goals, 2) develop solutions that are responsive to businesses that are attempting and committed to meeting the standards but are challenged to do so, and 3) there should be a concerted effort to understand what are the problems for businesses that are following the standards but somehow are being thwarted between their actions and the actual outcome when the refuse is collected.

The Commission also noted that other possible considerations is to exclude food related business and nonprofits while DOE conducts an analysis to understand what are the problems for businesses that are working hard to achieve the standards but can't, or allow the business and the Director to jointly develop a plan together and let it be a joint decision on whether a zero waste facilitator is a necessary solution.

The SBC is concerned that neighborhood grocery stores (for example: Gus's Market, Bi-Rite, Rainbow Grocery) and restaurants are captured under the same definition of Large Refuse Generator as high-rises in the Financial District. Much of the conversation around the legislation has been focused on these large properties and not our neighborhood food businesses or non-profits. The SBC expressed its disappointment that the Department of the Environment (DOE) was not able to provide the data on what types of the Large Refuse Generators are not meeting their zero waste goals and why the current audit system is not producing the desired results. That it has to be more than businesses or property owners choosing to pay the fines instead of working to achieve their zero waste goals. The SBC noted that while it may be true that some large property owners may be able to afford the fines that not the case for the food businesses that operate on very thin margins.

One of the above neighborhood grocery stores is a B Corp<sup>1</sup> and is it is in their legal governing documents to achieve zero waste. They are working on it on daily basis and have trained their employees. Yet they

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<sup>1</sup> Certified B Corporations are businesses that meet the highest standards of verified social and environmental performance,

struggle to pass their audits and have not received clear direction from Recology on what contaminants are showing up in the refuse. In addition, neighborhood grocers and restaurants have to place their refuse on the street for pick up. This leaves the refuse vulnerable to contamination and Recology has not developed a tamper proof receptible.

It is unreasonable to require these businesses who will in all likelihood fail an audit (not by choice but by factors beyond their control), to be required to designate or hire a Zero Waste Facilitator<sup>2</sup> whose exclusive job is a Zero Waste Facilitator as it stipulates in the legislation under:

*Section 1906 (f) Zero Waste Facilitator Requirement. A Large Refuse Generator who fails an Audit under Section 1906(c) must, within 60 days of receipt of a Director's notice and order, and for a duration of a minimum of 24 consecutive months, designate staff or otherwise engage person(s) whose exclusive function is to serve as Zero Waste Facilitator(s). Such person(s) must meet minimum criteria, and be engaged at sufficient capacity to address the Audit findings.*

The Commission does agree with the Golden Gate Restaurant Association's proposed amendments:

1. Re-evaluate the 30-Cubic Yards to a higher yardage for the definition of a Large Refuse Generator so that it does not capture neighborhood serving grocers, restaurants and other ground floor businesses. In addition to clarifying if it weight or volume.
2. Section 1906 (e) Notice of Noncompliance and Order to Comply; first issue a warning and allow the business to work on remedial measures in consultation with Depart. of Environment before being required to have a designated zero waste coordinator.
3. Section 1906 (f) strike the words "must" and "whose exclusive function" (lines 23, 24 and 25 of page 6).
4. Extend operative date to January 1, 2020.

The Small Business Commission has supported and recommended the Board of Supervisors approve the Checkout Bag Ordinance, Polystyrene Foam Reduction Ordinance and the numerous Food Service and Packaging Waste Reduction Ordinances, including the most recent ordinance on the regarding the sale or use in the City of single use food service ware made with fluorinated chemicals and certain items made with plastic. As stated above the Commission is not convinced this legislation as drafted is addressing the problem in the right way with the one single tool of a zero waste coordinator to correct the problem.

Thank you for your consideration and please feel free to contact me should you have any questions.

Sincerely,



Regina Dick-Endrizzi  
Director, Office of Small Business

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public transparency, and legal accountability to balance profit and purpose. <https://bcorporation.net/>

<sup>2</sup> Definition: "Zero Waste Facilitator" (ZWF) means a person or entity serving exclusively in the business of and with demonstrated capacity to manage refuse materials within a given property, including material sorting and transfer, and who meets criteria a not yet specified in regulations developed by the Director.

cc: Supervisor Ahsha Safai  
Kanishka Karunaratne Cheng, Mayor's Liaison to the Board of Supervisors  
Debbie Rafael, Director, Department of the Environment  
Lisa Pagan, Office of Economic and Workforce Development  
Linda Wong, Clerk of Budget and Finance Committee

## 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

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**From:** Michael Janis <mjanis@sffproduce.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,

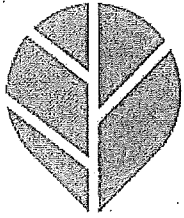
Michael Janis

*Wow, Our Food Recovery program and relationship with San Francisco's Department of the Environment is highlighted*  
<https://www.youtube.com/watch?v=3EZPH92BQ6w>

*Check out coverage of our Brand launch- [www.thepacker.com/article/san-francisco-wholesale-produce-market-rebrands](http://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@sffproduce.org](mailto:mjanis@sffproduce.org) | [www.sffproduce.org](http://www.sffproduce.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](http://www.sfproduce.org)

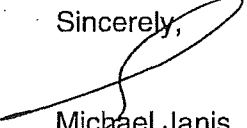
The SF Market regularly partners with Recology in education and enforcement for proper sorting practices and to minimize what is added to our landfills. Our relationship with Recology is excellent and we are able to problem-solve with them to quickly correct waste-sorting deficiencies. Our concern with 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

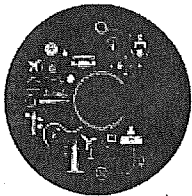
---

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

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

November 8, 2018

File No. 180646-4

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

Dear Ms. Gibson:

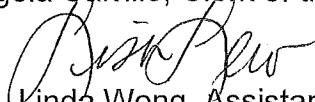
On November 1, 2018, Supervisor Safai introduced the following amended legislation:

**File No. 180646-4**

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

DATE: November 8, 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. 180646-4**

**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  
Vincent C. Matthews, Ed.D., Superintendent, San Francisco Unified  
School District

FROM:  Linda Wong, Assistant Clerk  
Budget and Finance Committee

DATE: November 8, 2018

SUBJECT: AMENDED LEGISLATION INTRODUCED

---

The Board of Supervisors' Budget and Finance Committee has received the following amended legislation, introduced by Supervisor Safai on November 1, 2018:

**File No. 180646-4**

**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](mailto: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  
Viva Mogi, San Francisco Unified School District  
Esther Casco, San Francisco Unified School District

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:

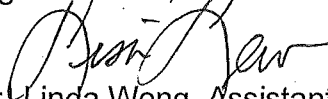
On September 17, 2018, Supervisor Safai amended the following proposed legislation:

**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.

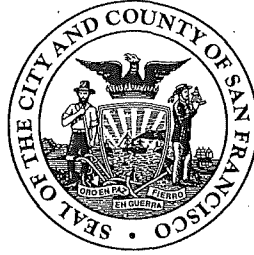
Angela Calvillo, Clerk of the Board

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

Attachment

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

BOARD of SUPERVISORS



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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: \_\_\_\_\_

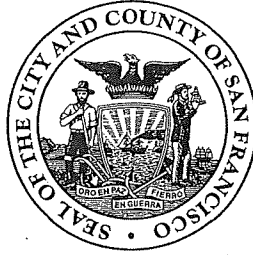
No Comment

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*  
*bw* Linda Wong, Assistant Clerk  
Budget and Finance Committee

DATE: September 19, 2018

SUBJECT: AMENDED LEGISLATION INTRODUCED

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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](mailto: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

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

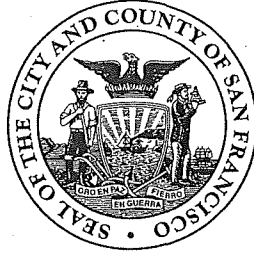
**File No. 180646-2**

**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](mailto: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.

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**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

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)**

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**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:

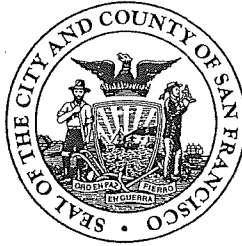
Please be advised that a Presidential Action Memo was received transferring File No.180646 from the **Public Safety and Neighborhood Services Committee** to the **Land Use and Transportation Committee**.

**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](mailto:eileen.e.mchugh@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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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

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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

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 SEP 11 PM 1:35  
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 [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted] 180646
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

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: [redacted]

For Clerk's Use Only



# Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2018 JUN 1 10:02 AM  
 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. [ ]
- 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 two years of large refuse generators for compliance with refuse 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.

Signature of Sponsoring Supervisor:

