

1 [Chlorofluorocarbon Recovery and Recycling Fees.]

2 **Ordinance amending Sections 1406 and 1412 of San Francisco Health Code Article 24**
3 **to change the term of a permit for Chlorofluorocarbon Recovery and Recycling**
4 **operations from two years to one year; to increase fees for permitting and inspections**
5 **by the Department of Public Health; and to provide for subsequent fee adjustments to**
6 **ensure that such fees cover program costs; and making environmental findings.**

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

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

11 Section 1. Findings.

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

16 Section 2. The San Francisco Health Code is hereby amended by amending Section
17 1406 to read as follows:

18 SEC. 1406. PERMIT REQUIREMENTS.

19 (a) Permits shall require that all installation, repair, dismantling, or disposal of motor
20 vehicle air-conditioning systems be performed by persons trained in accordance
21 with Section 1406(c), using approved CFC recycling equipment in conformity
22 with such training to prevent the release of CFCs.

23 (b) Every person subject to Section 1405(a) or 1405(b) shall file an application for a
24 permit within 90 days of the effective date of this Article or of commencing
25 operations, whichever is later. Permit applications may be filed by the owner or

1 operator of an establishment to include one or more employees, but a separate
2 permit application shall be filed for each establishment at which persons subject
3 to Section 1405 are employed. The application shall be accompanied by the
4 appropriate fees as set forth in this Article. The application form shall require a
5 description of the approved CFC recycling equipment used by the applicant, a
6 certification that such equipment is in proper operating condition, and such other
7 information as the Director deems relevant. Application forms shall be provided
8 by the Department upon request of the applicant.

9 (c) The permit applicant shall provide written certification that the applicant and
10 each establishment employee engaged in the installation, repair, dismantling, or
11 disposal of motor vehicle air-conditioning systems, has completed a training
12 course in the standards for proper use of approved CFC recycling equipment,
13 and in the standards for recovery and recycling of used CFCs from motor
14 vehicle air-conditioners, which standards shall be at least as stringent as the
15 Society of Automotive Engineers standard SAE J-1989.

16 (d) Upon receipt of a completed application and fees, the Director may inspect the
17 equipment or establishment described in the application, or request additional
18 information from the applicant. The Director shall not issue a permit until
19 satisfied that the applicant has met the requirements of this Article.

20 (e) Permits shall be valid for ~~two~~ one year~~(s)~~ from the date of issuance and are not
21 transferable. Applicants for permit renewal shall file a new application as
22 provided under Sections 1406(b) and 1406(c). The permittee shall file the permit
23 renewal application with the Director no later than ~~(90)~~ 15 days before the
24 expiration date of the previous permit.
25

1 (f) Permits shall require the permittee to notify the Director in writing within 14 days
2 after:

3 (1) The purchase or installation of any approved CFC recycling system other than
4 the system described in the previous permit application; and

5 (2) Hiring or employing any person to use approved CFC recycling systems other
6 than persons with training certification approved in the previous permit
7 application.

8 Upon receipt of the permittee's notice, the Director may require a new permit
9 application, modify the permit, or issue such orders as may be necessary to limit the
10 use of approved CFC recycling systems to persons trained in accordance with this
11 Article.

12 (g) Permits shall be prominently displayed on the premises of every establishment
13 subject to this Article.

14 Section 3. The San Francisco Health Code is hereby amended by amending Section
15 1412 to read as follows:

16 SEC. 1412. FEE SCHEDULE.

17 (a) The Department shall collect the following fees:

18 (1) ~~\$150~~ \$79 for fiscal year 2004 (beginning July 1, 2004), \$83 for fiscal year 2005
19 (beginning July 1, 2005), \$88 for fiscal year 2006 (beginning July 1, 2006) for
20 processing permit applications and associated administration activities
21 undertaken by the Department; and

22 (2) ~~\$75~~ \$137 for fiscal year 2004 (beginning July 1, 2004), \$145 for fiscal year 2005
23 (beginning July 1, 2005), \$153 for fiscal year 2006 (beginning July 1, 2006) per hour
24 or each portion thereof for inspections and associated administrative activities,
25 including enforcement activities pursuant to Section 1409.

- 1 (b) A notice of payment due shall be sent by the Department to the permittee, the
2 violator, and the owner of the property, advising as to the amount of any fee and
3 containing the following information:
- 4 (1) The date and location of the Department's inspection;
- 5 (2) The amount of the fee;
- 6 (3) A statement advising the addressee that he or she is liable under this Article for
7 the fee in the amount indicated in the notice and that payment to the City is due
8 within 30 days of the mailing date of the notice;
- 9 (4) A statement advising the addressee that a penalty of 10 percent plus interest at
10 the rate of one percent per month on the outstanding balance shall be added to
11 the costs from the date that payment is due under Subsection (b)(3);
- 12 (5) A statement advising the owner of the establishment that if payment of the costs
13 is not received within 90 days of the mailing date, a lien may be imposed on the
14 property of the owner which is an establishment subject to the provisions of this
15 Article; and
- 16 (6) A statement that the addressee or property owner may appeal the fee
17 determination contained in the notice of payment due to the Director. Said
18 appeal must be filed in writing with the Department no later than 30 days after
19 the date the notice of payment due is issued. The Director's decision on the
20 appeal shall be final.
- 21 (c) If full payment of the costs is not received within 30 days after the notice of
22 payment due was sent, a second notice of payment due shall be sent by the
23 Department to the addressees of the previous notice. The second notice shall
24 state that the generator and property owner are liable for the payment of the
25 costs indicated on the notice.

- 1 (d) If full payment of the costs is not received within 30 days after the second notice
2 of payment due was sent, a third (and final) notice of payment due shall be sent
3 by the Department. The third notice shall state that addressees are liable for the
4 payment of the costs indicated on the notice and that if payment of such costs is
5 not received within 30 days of the mailing date of the third notice, a lien may be
6 imposed on the subject property pursuant to the provisions of this Article.
- 7 (e) If payment is not received within 30 days after mailing the third notice, the
8 Department shall initiate lien proceedings pursuant to the provisions of the San
9 Francisco Administrative Code, Chapter 10, Article XX.
- 10 (f) Beginning with fiscal year 2007-2008, no later than April 15 of each year, the
11 Controller shall adjust the fees provided in this Article to reflect changes in the relevant
12 Consumer Price Index, without further action by the Board of Supervisors. In adjusting
13 the fees, the Controller may round these fees up or down to the nearest dollar, half-
14 dollar or quarter-dollar. The Director shall perform an annual review of the fees
15 scheduled to be assessed for the following fiscal year and shall file a report with the
16 Controller no later than May 1st of each year, proposing, if necessary, an adjustment to
17 the fees to ensure that costs are fully recovered and that fees do not produce
18 significantly more revenue than required to cover the costs of operating the program.
19 The Controller shall adjust fees when necessary in either case.

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

23 By: _____
24 RONA H. SANDLER
25 Deputy City Attorney