

1 [Hazardous Waste Management Fees.]  
 2 **Ordinance amending Section 1204 of San Francisco Health Code Article 22 to increase**  
 3 **fees for hazardous waste generators and inspections by the Department of Public**  
 4 **Health and to provide for subsequent fee adjustments to ensure that such fees cover**  
 5 **program costs; and making environmental findings.**

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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 1204 to read as follows:

18 SEC. 1204. FEES AND CHARGES

19 In accordance with the single fee system established pursuant to Health and Safety  
 20 Code Section 25404.5, hazardous waste generators shall pay the following fees and charges  
 21 to cover the Department’s costs incurred in implementing and enforcing the program  
 22 established by the Article:

23 (a) State Surcharge. Registrants, and permittees or grantees subject to the  
 24 requirements of this Article shall pay to the Department the annual State surcharge for  
 25 general program oversight, along with any program-specific surcharges established by the

1 Secretary of the California Environmental Protection Agency pursuant to California Health and  
2 Safety Code Section 25404.5(b).

3 (b) Hazardous Waste Generator Fee. Hazardous waste generators subject to the  
4 program established by the Article shall pay an annual fee based upon the amount of  
5 hazardous waste generated during the preceding year. The amount of this fee is set forth in  
6 Chart I. Minimal Quantity Generators shall pay an annual fee of ~~\$49 for the fiscal year 2000, \$56~~  
7 ~~for the fiscal year 2001, \$63 for the fiscal year 2002, \$68 for the fiscal year 2003 and thereafter \$72 for~~  
8 ~~fiscal year 2004 (beginning July 1, 2004), \$76 for fiscal year 2005 (beginning July 1, 2005), \$80 for~~  
9 ~~fiscal year 2006 (beginning July 1, 2006).~~ Minimal Quantity Generators shall be exempted from  
10 the annual base fee set forth in Section 1176(h) of Article 21 of this Code. For purposes of  
11 determining this fee, the term “Minimal Quantity Generator” or “MQG” shall mean a generator  
12 that meets all of the following requirements:

- 13 (1) The quantity of hazardous waste generated by the generator does not exceed  
14 50 pounds per month or 500 pounds per year; and  
15 (2) Hazardous waste is not treated on site; and  
16 (3) The generator is not required to have a hazardous materials registration  
17 pursuant to Article 21 for hazardous materials used or stored at the site.

18 CHART I HAZARDOUS WASTE GENERATOR FEES

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20 HW QUANTITY	<del>Fiscal Year</del>	<u>Fiscal Year</u>	<u>Fiscal Year</u>	<u>Fiscal Year</u>
21 GENERATED/YEAR	<del>2003</del>	<u>2004</u>	<u>2005</u>	<u>2006</u>
22 > 0 — 5 tons, other than MQG	<del>\$ 253</del>	<u>\$267</u>	<u>\$282</u>	<u>\$298</u>
23 5 — 25 tons	<del>\$ 527</del>	<u>\$557</u>	<u>\$588</u>	<u>\$622</u>
24 25 — 50 tons	<del>\$ 736</del>	<u>\$778</u>	<u>\$822</u>	<u>\$868</u>
25 50 — 250 tons	<del>\$ 1056</del>	<u>\$1,116</u>	<u>\$1,179</u>	<u>\$1,246</u>

1	250 — 500 tons	<del>\$ 1465</del>	<u>\$1,548</u>	<u>\$1,636</u>	<u>\$1,728</u>
2	500 — 1,000 tons	<del>\$ 2051</del>	<u>\$2,167</u>	<u>\$2,290</u>	<u>\$2,420</u>
3	1,000 — 2,000 tons	<del>\$ 2974</del>	<u>\$3,142</u>	<u>\$3,320</u>	<u>\$3,509</u>
4	2,000 + tons	<del>\$ 4164</del>	<u>\$4,400</u>	<u>\$4,649</u>	<u>\$4,912</u>

5 (c) Tiered Permitting Fee. Persons operating pursuant to a permit-by-rule,  
6 conditional authorization or conditional exemption shall pay the following annual fee, based  
7 upon the type of permit, except that in the case of persons subject to more than one  
8 permitting either at one facility, the fee for all tiered permits at that facility shall be a single fee  
9 set at the amount of the fee for the highest applicable tier:

10 (1) Permit-by-Rule: ~~\$399 for the fiscal year 2000, \$458 for the fiscal year 2001, \$512 for~~  
11 ~~the fiscal year 2002, \$574 for the fiscal year 2003 and thereafter;~~ \$607 for fiscal year 2004 (beginning  
12 July 1, 2004), \$641 for fiscal year 2005 (beginning July 1, 2005), \$677 for fiscal year 2006 (beginning  
13 July 1, 2006);

14 (2) Conditional Authorization: ~~\$122 for the fiscal year 2000, \$140 for the fiscal year 2001,~~  
15 ~~\$156 for the fiscal year 2002, \$175 for the fiscal year 2003 and thereafter;~~ \$185 for fiscal year 2004  
16 (beginning July 1, 2004), \$195 for fiscal year 2005 (beginning July 1, 2005), \$206 for fiscal year 2006  
17 (beginning July 1, 2006);

18 (3) Conditional Exemption: ~~\$64 for the fiscal year 2000, \$73 for the fiscal year 2001, \$81~~  
19 ~~for the fiscal year 2002, \$91 for the fiscal year 2003 and thereafter~~ \$96 for fiscal year 2004 (beginning  
20 July 1, 2004), \$102 for fiscal year 2005 (beginning July 1, 2005), \$107 for fiscal year 2006 (beginning  
21 July 1, 2006).

22 (d) Inspection Fee. In administering the provisions of this Article and conducting  
23 inspections pursuant to Health and Safety Code Sections 25185 and 25185.5,  
24 the Department shall require hazardous waste e generators and persons  
25 operating pursuant to a permit-by-rule, conditional authorization or conditional

1 exemption to pay inspection and administrative fees to cover the Department's  
2 costs of any inspection (other than a routine inspection) conducted by the  
3 Department when it has reason to believe a generator is not in compliance with  
4 the hazardous waste laws and regulations. The fee for any such inspection and  
5 associated administrative activities for each hour or portion thereof for  
6 inspections performed during business hours shall ~~be \$98 for the fiscal year 2000,~~  
7 ~~\$112 for the fiscal year 2001, \$125 for the fiscal year 2002, \$140 for the fiscal year~~  
8 ~~2003 and \$137 for fiscal year 2004 (beginning July 1, 2004), \$145 for fiscal year 2005~~  
9 ~~(beginning July 1, 2005), \$153 for fiscal year 2006 (beginning July 1, 2006);~~ and for  
10 each hour or portion thereof for inspections performed during nonbusiness  
11 hours, including Saturdays, Sundays and evenings, shall ~~be \$147 for the fiscal~~  
12 ~~year 2000, \$168 for the fiscal year 2001, \$187.50 for the fiscal year 2002, \$210 for the~~  
13 ~~fiscal year 2003 and thereafter \$206 for fiscal year 2004 (beginning July 1, 2004), \$218~~  
14 ~~for fiscal year 2005 (beginning July 1, 2005), \$230 for fiscal year 2006 (beginning July~~  
15 ~~1, 2006).~~

16 (e) When the real property where the site is located is owned by a person other  
17 than the operator of the site, it is the operator's duty to pay any inspection and  
18 administration fees. However, in the event that operator fails to pay any  
19 inspection and administration fee as provided for in the Article, the City and  
20 County may impose a lien on the real property pursuant to the provisions of this  
21 Article and San Francisco Administrative Code, Chapter 10, Article XX.

22 (f) Consultation Fee. The Director is authorized to charge a fee for Department  
23 staff to consult with regulated parties subject to this Article or their  
24 representatives concerning compliance with the requirements of this Article.  
25 The fee shall be ~~\$98 per hour for the fiscal year 2000, \$112 per hour for the fiscal~~

1            ~~year 2001, \$125 per hour for the fiscal year 2002, \$140 per hour for the fiscal year 2003~~  
2            ~~and thereafter \$137 for fiscal year 2004 (beginning July 1, 2004), \$145 for fiscal year~~  
3            ~~2005 (beginning July 1, 2005), \$153 for fiscal year 2006 (beginning July 1, 2006).~~

4            ~~(g) — The Director of Health through the Health Commission shall recommend to the Board of~~  
5            ~~Supervisors appropriate fees sufficient to pay for but no exceed the costs incurred in~~  
6            ~~administering this Article. Such fees shall be set, collected, reviewed and administered~~  
7            ~~in accordance with Sections 1175.2 through 1175.5 of Article 21 of this Code.~~

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

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

22 By:

23 RONA H. SANDLER  
24 Deputy City Attorney  
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