

1 [Green Business Program.]

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3 **Ordinance amending the Environment Code by adding Chapter 15 to authorize a City-**  
4 **wide Green Business Program.**

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

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

9 Section 1. The San Francisco Environment Code is hereby amended by adding  
10 Chapter 15, to read as follows:

11 SEC. 1500. FINDINGS. The Board of Supervisors and Mayor of the City and County of San  
12 Francisco wish to authorize the creation of a Green Business program in order for the City to  
13 encourage and recognize businesses that demonstrate environmental leadership, exceed minimum  
14 regulatory requirements and take voluntary steps to conserve natural resources and prevent pollution.

15 SEC. 150.1 GREEN BUSINESS PROGRAM. In compliance with this ordinance, the  
16 Department of Public Health, the Department of the Environment and the Public Utilities Commission  
17 are authorized to form a joint program to develop and implement a City-wide Green Business program  
18 to encourage and recognize businesses that: conserve the use of natural resources, such as electricity,  
19 water and fuel; reduce, reuse, recycle and compost materials; reduce the use and generation of  
20 hazardous materials and hazardous waste; and take affirmative steps to prevent pollution. The City  
21 departments shall use the Association of Bay Area Government's Bay Area Green Business Program  
22 as a model and baseline for San Francisco's Green Business program and may use more stringent  
23 standards and criteria. In developing and implementing the program, the departments shall target  
24 various business sectors operating in the City and may consult with: relevant federal, State, and  
25 regional agencies, such as the California Department of Toxic Substances Control and Bay Area Air

1 Quality Management District; City departments that issue permits and enforce regulatory programs,  
2 including the Department of Building Inspection, the Fire Department and the Port of San Francisco;  
3 governmental land owners; and other interested entities such as the Association of Bay Area  
4 Governments and San Francisco's Small Business Commission. Only businesses that operate in the  
5 City; are in compliance with all City contracts, City-issued permits and laws; and are in compliance  
6 with all applicable environmental laws and regulations are eligible to participate in the program. A  
7 Green Business recognition will be valid for up to one year from issuance and may be extended for up  
8 to two additional years based on self-certification of continuing qualification by the business. At the  
9 end of the qualification period, the business must reapply. A Green Business recognition automatically  
10 terminates upon a change in ownership or relocation of a business. In coordination with and on behalf  
11 of the participating departments, the decision of the Director of the Department of the Environment on  
12 whether a business qualifies as a Green Business shall be final.

13 SEC. 1502. REGULATIONS. In coordination with and on behalf of the participating  
14 departments, the Director of the Department of the Environment, after a public hearing, shall adopt  
15 and may amend guidelines, rules, regulations and forms to implement a Green Business recognition  
16 program for various business sectors, including the application process, eligibility criteria and  
17 qualification as a Green Business. Prior to adoption or amendment of guidelines, rules or regulations,  
18 the Director of Public Health shall certify to the Director of the Department of the Environment that  
19 the guidelines, rules or regulations are consistent with local, state and federal environmental and  
20 health regulations and with the Department of Public Health's environmental and health objectives.  
21 The participating departments shall review eligibility and qualification criteria at least once every  
22 other year and the Director of the Department of the Environment shall amend the regulations as  
23 necessary.

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1           SEC. 1503. NOTICE. The Director of the Department of the Environment shall conduct  
2           outreach to all businesses that are eligible to participate in programs established under this Chapter  
3           and shall afford the same opportunities for eligible businesses to participate in the program. The  
4           Director of the Department of the Environment shall periodically post a list of Green Businesses on its  
5           website.

6           SEC. 1504. DISCLAIMER. Recognition by the City of a business as a Green Business shall not  
7           be construed as an endorsement by the City of the business or confer any legal right or privilege to the  
8           business. The participating departments may discontinue any program established under this Chapter  
9           at any time.

10           SEC. 1505. PENALTIES. False or misleading statements or misrepresentations made by any  
11           person regarding a business's eligibility or qualifications for or compliance with the Green Business  
12           program is a violation of this Chapter and is subject to an administrative penalty up to \$500 per  
13           violation in addition to any other available remedies. In coordination with and on behalf of the  
14           participating departments, whenever the Director of the Department of the Environment finds that  
15           information in a business's application or any required submission is inaccurate or misleading or a  
16           business is violating or has violated the terms of the Green Business program eligibility or  
17           qualifications, the Director may revoke that business's recognition as a Green Business, which  
18           revocation shall be final.

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

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By: \_\_\_\_\_  
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Deputy City Attorney

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